

Bernalillo County Wastewater Ordinance 2000-7



Bernalillo County Office of Environmental Health
111 Union Square SE, Suite 300
Albuquerque, NM 87102

Phone: 314-0310
Fax: 314-0470
Email: eh@bernco.gov

Chapter 42, Health and Sanitation, Division 10, Wastewater Systems

Table of Contents

Section 42-491 Purpose	Page 1
Section 42-492 Applicability	Page 1
Section 42-493 General Conditions and Requirements	Page 2
Section 42-494 Prohibitions and Limitations	Page 3
Section 42-495 Limitations of Responsibility	Page 4
Section 42-496 Rules and Regulations	Page 4
Section 42-497 Definitions	Page 4
Section 42-498 Sewers	Page 14
Section 42-499 Certification	Page 14
Section 42-500 Product Approval	Page 14
Section 42-501 Operating Permit	Page 18
Section 42-502 Wastewater System Permit	Page 19
Section 42-503 Wastewater Systems - Over 2000 gals/day	Page 24
Section 42-504 Cluster and Community Systems	Page 25
Section 42-505 Custom and Experimental Systems	Page 26
Section 42-506 Temporary Systems and Abandonment of Systems	Page 27
Section 42-507 Fees	Page 29
Section 42-508 Performance Standards	Page 29
Section 42-509 Design	Page 40
Section 42-510 Disposal Systems	Page 48
Section 42-511 Setback and Installation Requirements	Page 56
Section 42-512 Inspections, Maintenance, and Monitoring	Page 57

<u>Section 42-513 Renewals, Revocations, Revisions, Transfers, and Penalties</u>	<u>Page 61</u>
<u>Section 42-514 Development Review</u>	<u>Page 64</u>
<u>Section 42-515 Variances and Appeals</u>	<u>Page 65</u>
<u>Section 42-516 Severability</u>	<u>Page 67</u>
<u>Section 42-517 Effective Date</u>	<u>Page 67</u>

Tables

<u>Table 1: Performance Standards</u>	<u>Page 30</u>
<u>Table 2: Estimated Wastewater Flow</u>	<u>Page 43</u>
<u>Table 3: Septic Tank Capacity</u>	<u>Page 46</u>
<u>Table 4: Clean Aggregate</u>	<u>Page 52</u>
<u>Table 5: Maximum Soil Infiltration Rates</u>	<u>Page 55</u>
<u>Table 6: Setback Distances</u>	<u>Page 56</u>

Figures

<u>Figure 1: Existing Lots - 2 acres or greater.....</u>	<u>Page 31</u>
<u>Figure 2: Existing Lots - 3/4 acre or greater.....</u>	<u>Page 32</u>
<u>Figure 3: Existing Lots - Greater than 1/3 acre.....</u>	<u>Page 33</u>
<u>Figure 4: Existing Lots - 1/3 acre or greater.....</u>	<u>Page 34</u>

<u>Figure 5: Lots Created after the Effective Date of the Ordinance - Five acres or greater.</u>	<u>Page 35</u>
<u>Figure 6: Lots Created after the Effective Date of the Ordinance - Two acres or greater.</u>	<u>Page 36</u>
<u>Figure 7: Lots Created after the Effective Date of the Ordinance - 3/4 acre or greater.</u>	<u>Page 37</u>

Charts

<u>Chart 1: Maximum Total Flow - TN less than 91.3 lbs/acre/year.....</u>	<u>Page 38</u>
<u>Chart 2: Maximum Total Flow - TN less than 82.2 lbs/acre/year.....</u>	<u>Page 39</u>

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

BERNALILLO COUNTY ORDINANCE NUMBER _____

THE REPEAL OF DIVISION 10 OF CHAPTER 42, LIQUID WASTE DISPOSAL SYSTEMS, SECTION 42-491 THROUGH SECTION 42-502, AND THE ENACTMENT OF A NEW DIVISION 10, CHAPTER 42, WASTEWATER SYSTEMS, SECTION 42-491 THROUGH 42-517, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS, the Governing Body of the County of Bernalillo, that Division 10, Chapter 42, Liquid Waste Disposal Systems, Section 42-491 through Section 42-502 be repealed and a new Division 10, Chapter 42, of the Bernalillo County Code is hereby enacted to read as follows:

**CHAPTER 42, DIVISION 10
WASTEWATER SYSTEMS**

Sec. 42.491. Purpose

The installation and use of wastewater treatment and disposal systems should not adversely affect public health nor cause the degradation of ground or surface water. Ground water is a vital, finite natural resource that, if contaminated, can pose substantial risks to public health. In Bernalillo County septic tank effluent has been determined to be a major cause of ground water contamination. The purposes of this wastewater ordinance are: (1) to protect public health and safety by minimizing the risk of further contamination to surface waters and ground water by wastewater systems; (2) to protect the quality of surface waters and ground water so that they will be available as a drinking water source for future generations; and (3) to prevent and abate public health hazards. This ordinance establishes minimum criteria for the design, installation, inspection, treatment, and management of commercial and domestic wastewater systems.

Sec. 42-492. Applicability

This ordinance applies to all situations where commercial or domestic wastewater is collected, treated, or disposed of, including wastewater systems in existence prior to the effective date of this ordinance, unless the ordinance indicates otherwise.

A. Wastewater systems subject to a National Pollutant Discharge Elimination System (NPDES) permit are not subject to this ordinance.

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

B. Functioning wastewater systems that were installed prior to the effective date of this ordinance and receive, or are designed to receive, 2000 gal/day or less of domestic wastewater shall comply with Section 42-501, Operating Permit, Section 42-508, Performance Standards, Section 42-509, Design, and Section 42-510, Disposal, at the time they are modified or replaced, or by January 1, 2015, whichever occurs first. If a sewer system is available, the structure(s) shall connect to the sewer system as required in Section 42-498, Sewers.

C. Functioning wastewater systems that were installed prior to the effective date of this ordinance and receive, or are designed to receive, more than 2000 gals/day shall comply with the requirements of this ordinance within three (3) years of the effective date of this ordinance.

1. If a sewer system is available, the structure(s) shall connect to the sewer system as required in Section 42-498, Sewers.

D. Functioning wastewater systems that were installed prior to the effective date of this ordinance and receive, or are designed to receive, commercial wastewater shall comply with Section 42-501, Operating Permit, Section 42-508, Performance Standards, Section 42-509, Design, and Section 42-510, Disposal, at the time they are modified or replaced, or within three (3) years of the effective date of this ordinance, whichever occurs first. If a sewer system is available, the structure(s) shall connect to the sewer system as required in Section 42-498, Sewers.

E. Failing wastewater systems shall be brought into compliance with this ordinance, including the permit requirements, within 30 days of discovery of the failure occurring. During the interim the department may require that corrective actions be taken to mitigate damages.

F. The owner of a wastewater system shall operate and maintain the wastewater system in a manner approved by the department. In addition, no wastewater system shall be operated or maintained in violation of Section 42-493(D), General Conditions and Requirements.

G. The Board of County Commissioners hereby authorizes the County Manager to establish eligibility, procedures, and guidelines for a low-income assistance program to assist residents in meeting the requirements of this ordinance.

Sec. 42-493. General Conditions and Requirements

A. Where plumbing fixtures exist in a building which is not connected to a sewer system, suitable provisions shall be made for the treatment and disposal of the wastewater by methods satisfactory to the department, as set forth in this ordinance. The system shall provide final effluent that complies with the applicable standards as set forth in this ordinance and the components of a system shall be constructed of materials approved by the department.

B. Bernalillo County shall not issue a building permit or a commercial plumbing permit for any building that requires the use of a wastewater system unless the owner has received approval from the department. A building shall not be occupied and the county shall not authorize occupancy until the department approves the installation of, and issues the operating permit for,

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

1 the wastewater system. Bernalillo County shall not approve any change in occupancy
2 classification or commercial tenancy of a building that uses a wastewater system until the
3 department has reviewed the use of the wastewater system with the proposed change, and has
4 approved of the change. The county shall not issue a business license until the department has
5 reviewed the application and determined that the use of the wastewater system complies with the
6 requirements of this ordinance.

7
8 C. No person shall perform a site characterization or system evaluation, or install, modify,
9 service, abandon, or maintain any portion of a wastewater system without first being deemed
10 qualified by the department to perform such work.

11
12 D. No person shall install, modify, own, operate, or use a wastewater system that, by itself
13 or in combination with other wastewater systems, causes a hazard to public health or degrades
14 any body of water. Compliance with any of the requirements of this ordinance does not preclude
15 the imposition by the department of additional or more stringent requirements necessary to
16 prevent a hazard to public health or the degradation of a body of water.

17
18 E. In the event this ordinance is amended or a new wastewater ordinance is adopted, those
19 applications for which a permit or approval has not been issued shall meet the requirements of
20 the amended or new ordinance.

21
22 F. Where the provisions of this ordinance impose greater restrictions than those of any other
23 ordinance the provisions of this ordinance shall prevail. Where the provisions of any other
24 applicable state or local ordinance, regulation, or code imposes a greater restriction than those of
25 this ordinance, the provisions of such other applicable state or local ordinance, regulation, or
26 code shall prevail.

27
28 **Sec. 42-494. Prohibitions and Limitations**

29
30 A. Except as otherwise provided in this ordinance, effluent from a wastewater system that
31 does not meet the performance standards set forth in Section 42-508, Performance Standards, is
32 prohibited. The performance standards for effluent shall be met at the end of the treatment
33 component.

34
35 B. The use of a cesspool as a wastewater system is prohibited, including any cesspool
36 existing prior to the effective date of this ordinance.

37
38 C. The use of a privy as a wastewater system is prohibited, including any privy existing
39 prior to the effective date of this ordinance.

40
41 D. The discharge of wastewater by means of plumbing outfall pipes to the ground surface is
42 prohibited, including outfall pipes existing prior to the effective date of this ordinance.

43
44 E. The discharge of untreated or partially treated wastewater to the ground surface, surface
45 water, or ground water is prohibited.

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

F. The discharge of effluent to the ground surface or to a confined surface water is prohibited, except in the case of an evaporation pond approved by the department.

G. The department shall require the use of systems which provide a higher degree of wastewater treatment in areas of the county which, as a result of their hydrogeological conditions, are especially vulnerable to degradation of ground water quality, or which are not appropriate for septic-tank absorption field systems.

H. In no event shall the department approve the installation or modification of a wastewater system if the property is being occupied or used in violation of applicable local, land-use planning, or zoning and building requirements.

I. In no event shall the total nitrogen load exceed the standard established by the New Mexico Environment Department.

J. Wastewater systems shall not be installed in a floodplain.

Sec. 42-495. Limitations of Responsibility

The issuance of a permit or approval shall not be construed as an assumption by the department of any responsibility for the wastewater system or any component of the system.

Sec. 42-496. Rules and Regulations

The department may adopt rules and regulations to implement or augment this ordinance.

Sec. 42-497. Definitions

As used in this ordinance, unless the context indicates otherwise:

A

"Absorption surface" means the total surface area of soil at the bottom of the disposal field plus the side-wall area in excess of the required twelve (12) inches and not to exceed thirty six (36) inches below the leach line as no more than bottom area plus twelve (12) inches sidewall credit. The absorption surface area for gravelless systems shall be calculated in the same manner.

"Aerobic treatment unit" means a wastewater treatment unit that can maintain at least two (2) mg/l dissolved oxygen on a continuous basis to provide aerobic biochemical stabilization within a treatment receptacle and any additional oxygen to provide mixing.

"American Society for Testing and Materials", or *"ASTM"*, is a technical society which develops and publishes national standards for the testing and quality assurance of construction materials.

"Approved " means:

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

1. A wastewater system that was constructed and installed in compliance with the standards and requirements of this ordinance and has an operating permit; or
2. A wastewater component or product approved by the department; or
3. A person or entity approved by the department to design, install, modify, or maintain wastewater systems or a person approved by the department to perform site or system evaluations.

"Authorized representative" means the person designated by the property owner to act on his behalf in the application process.

"Available", as applied to a public sewer system, means a serviceable sewer line, as determined by the utility, which is capable of being connected to the plumbing of an establishment or residence, and has adequate capacity to accept the wastewater generated by the establishment or residence; and:

1. For an existing residential subdivision lot, single-family residence, or establishment, where there exists a sewer or lift station in a public easement or right-of-way that abuts the property line of the parcel or is within 200 feet of the property line and can be accessed via rights-of-way or easements; or
2. Within areas used for commercial, industrial, or manufacturing purposes or its equivalent, a sewer exists within 500 feet of the parcel's property line and can be accessed via rights-of-way or easements; or
3. For proposed residential subdivisions with five (5) or fewer lots, there exists a sewer or lift station in a public easement or right-of-way that abuts the subdivision or is within 400 feet of any lot in the subdivision and can be accessed via rights-of-way or easements; or
4. For proposed residential subdivisions with more than five (5) lots and for proposed subdivisions to be used for commercial, industrial, or manufacturing purposes, or its equivalent, there exists a sewer system or project (that may or may not be under construction) that is within 1,000 feet of any lot in the subdivision and can be accessed via rights-of-way or easements.

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

B

"*Bedroom*" means a room designed primarily for sleeping or a room that can be expected to routinely provide sleeping accommodations for occupants.

"*Blackwater*" means that part of domestic wastewater carried off by toilets, urinals, kitchen drains and utility sinks. The term also includes laundry waste from the washing of material soiled with human excreta.

"*BOD*" means Biochemical Oxygen Demand, which is a measurement of the dissolved oxygen used by microorganisms in the biochemical oxidation of organic matter.

"*Building sewer*" means that portion of the horizontal piping of a drainage system which extends from the end of the building drain located two (2.0) feet outside the building wall, and which receives the wastewater discharge from the building drain and conveys it to a wastewater treatment unit or approved point of disposal.

C

"*Cesspool*" means an unlined or a lined and covered excavation in the ground that is not watertight and receives wastewater or other organic wastes. It is designed to retain the organic matter and solids, but permits the liquids to seep through the bottom and sides.

"*Cluster system*" means a wastewater system that serves more than one lot and is designed to treat 2000 gallons per day or less of wastewater.

"*Commercial wastewater*" means non-toxic, non-hazardous wastewater and includes, but is not limited to, commercial and institutional food operations, commercial laundry facilities with no more than four (4) machines, and animal holding facilities.

"*Community system*" means a wastewater system that serves more than one lot and is designed to treat more than 2000 gallons per day of wastewater.

"*County Manager*" means the County Manager of Bernalillo County or his designated representative(s).

"*Custom system*" means a system that does not have product approval, is not described in the New Mexico Plumbing and Mechanical Code, and is not an experimental system.

D

"*Days*" means calendar days unless otherwise indicated.

"*Degrade a body of water*" means to reduce the physical, chemical, or biological qualities of a body of water (surface or ground water) with materials that violate the standards established in the New Mexico Water Quality Standards for Interstate and Intrastate Streams and the New Mexico Drinking Water Regulations.

"*Department*" means the Bernalillo County Environmental Health Department.

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

1
2 *"Design flow"* means the wastewater flow rate for which a wastewater system must be
3 designed in order to assure acceptable system performance. Regulations, standards, codes, and
4 accepted references generally govern it.

5
6 *"Designer"* means the person or entity responsible for designing the wastewater system and
7 certifying the installation of the system.

8
9 *"Director"* means the Bernalillo County Environmental Health Department Director, or in the
10 director's absence, the person designated to act as the director during his absence.

11
12 *"Discharge plan"* means the discharge plan as defined and issued by the New Mexico
13 Environment Department, Ground Water Quality Bureau.

14
15 *"Disinfection"* means the use of any process designed to effectively kill most micro-
16 organisms contained in wastewater effluent, including essentially all pathogenic (disease
17 causing) bacteria. These processes include, but are not limited to, chlorine, ozone, and
18 ultraviolet light.

19
20 *"Disposal"* means the dispersal of effluent through a system of open-jointed or perforated
21 piping, approved alternative distribution units, or other disposal facilities designed to distribute
22 effluent for filtration, oxidation and absorption by the soil within the upper zone of the soil or a
23 system which is used to evaporate the effluent.

24
25 *"Disposal area"* means the area of absorption surface.

26
27 *"DO"* means dissolved oxygen.

28
29 *"Domestic wastewater"* means wastewater made up of non-toxic, non-hazardous human body
30 waste and wastewater, including bath and toilet waste, residential laundry waste, residential
31 kitchen waste, and other waste similar to those from appurtenances at a residence or dwelling
32 unit. It is further categorized as including blackwater and graywater.

33
34 *"Drainage ditch"* means a trench dug for the purpose of draining water from the land or for
35 transporting water for use on the land.

36
37 *"Dwelling unit"* means a room or suite of rooms with kitchen and bath facilities designed as a
38 unit for occupancy by one family.

39
40 **E**

41 *"Easement"* means the right or privilege that a person or persons may have in another's land,
42 such as right of passage; commonly associated with road and utility corridors.

43
44 *"Effluent "* means treated wastewater.

45
46 *"Engineer"* means a professional engineer licensed in the State of New Mexico.

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

1
2 *"Establishment"* means multi-family housing, an apartment, a condominium or townhouse
3 complex, a mobile home park or recreational vehicle park, a commercial or institutional
4 development, or places of business or assembly. An establishment includes all buildings or
5 structures and the land pertaining thereto.

6
7 *"Existing lot"* means a lot in existence prior to the effective date of this ordinance.
8

9 *"Existing system"* means a system in existence prior to application submittal.
10

11 *"Experimental system"* means any wastewater system utilizing a method of treatment or
12 disposal that does not have adequate testing data to verify that it can meet the requirements of
13 this ordinance.
14

15 **F**

16 *"Failure"* or *"failing"* describes a wastewater treatment or disposal system which results in
17 the discharge of wastewater that does not meet the requirements of this ordinance.
18

19 *"Fecal coliform"* means bacteria used as an indicator organism and its presence is taken as an
20 indication that pathogenic organisms may be present.
21

22 *"Flood plain"* means any area that could be flooded by high water from a 100-year frequency
23 storm.
24

25 *"Functioning wastewater system"* means a wastewater system that is operating as designed
26 and as permitted by the department. Systems installed prior to the effective date of this
27 ordinance shall, at a minimum, meet Class 1 Standards as shown in Table 1, Performance
28 Standards, unless, when the system was permitted, better treatment was required by the
29 department.
30

31 **G**

32 *"Graywater"* means that part of domestic wastewater that is not blackwater.
33

34 *"Ground water"* means interstitial water that occurs in saturated earth material.
35

36 **H**

37 *"Hazard to public health"* means the indicated presence, in water or soil, of chemical,
38 biological, or other agents under such conditions that they may adversely impact human health
39 or safety.
40

41 *"Holding component"* means a watertight receptacle constructed to contain wastewater. It
42 does not mean holding tanks installed in recreational vehicles.
43

44 *"Holding tank"* means a non-discharging watertight tank designed to receive and temporarily
45 retain wastewater for periodic pumping and disposal. It does not mean holding tanks installed in
46 recreational vehicles.

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

"Hydraulic flow" means volume per unit time.

"Hydraulic loading rate" means the amount of material applied to a wastewater or disposal component per unit area or unit volume.

I

"Installer" means the person responsible for installing or modifying a wastewater system. An installer shall obtain an installer's certificate as described in Sec. 42-499, Certification.

J

K

L

"Load" or "loading" means the biological or chemical load received by a wastewater system; calculated as flow times concentration.

"Lot" means a legal lot of record as described in a Bernalillo County subdivision ordinance.

"Lot size" means the area of a parcel excluding those private and public road easements and roadways which have been legally recorded. Lot size shall be measured to the nearest hundredth of an acre.

M

"Maintenance person" means the person responsible for periodically inspecting and maintaining the system as outlined in the management plan required by this ordinance. A maintenance person shall obtain a system evaluator's certificate as described in Sec. 42-499, Certification.

"Management plan" indicates how a system shall be installed, operated, and maintained.

"Modification" or "modify" means

1. To change the method of wastewater treatment or disposal;
2. To expand the wastewater system;
3. To alter the horizontal or vertical location of the wastewater system;
4. To increase the amount of design flow or load received by the wastewater system above the original design flow or load;
5. To remove or replace component materials in a disposal system; or
6. To change the size or boundaries of a lot which contains a wastewater system so that the total design flow for the lot exceeds the total design flow limitations as shown in Figures 1 through 7.

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

"MPN" means Most Probable Number of organisms present.

N

"Native soil" means unsaturated soil which has been deposited onto a site by the actions of nature and which has not been significantly disturbed or altered by the activities of man.

O

"Obstructed land" are those areas on a lot or property used for such purposes as pools, concrete slabs, buildings, driveways, parking and similar areas which prohibit, hinder, or affect the installation, operation, or maintenance of a wastewater system.

"Onsite system" means a wastewater system that is wholly located on a single lot and only serves structures on that lot.

"Operating permit" means a permit, issued by the department, that allows the operation of the system.

"Operator" means the person who owns a system designed to treat 2000 gal/day or less, or the person who operates a wastewater system treating over 2000 gal/day.

"Ordinance" means Division 10 of Chapter 42, Health and Sanitation, of the Bernalillo County Code unless otherwise indicated.

"Owner" is the legal owner(s) of the property.

P

"Partially treated wastewater" means wastewater that does not meet Class 1 Standards as shown in Table 1, Performance Standards.

"Performance standards" means specific conditions or standards that shall be achieved. Performance standards define the end result, but not the means of achieving it.

"Permittee" means the individual, firm, partnership, or corporation duly licensed or authorized by the Construction Industries Division of the State of New Mexico and approved by the department to install a wastewater system.

"Person" means any individual, partnership, firm, public or private corporation, association, trust, estate, governmental entity, agency or institution, any other legal entity or their legal representatives, agents, or assigns.

"Potable water" is water used for drinking, culinary or domestic purposes.

"Potable water line" means any water line that is connected to a potable water supply source. The term does not include an irrigation line with any of the following types of backflow devices:

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

1. For irrigation systems into which chemicals are not injected, any atmospheric or pressure vacuum breaker, or double check valve, or detector check assembly; or
2. For irrigation systems into which chemicals such as fertilizers, pesticides, or herbicides are injected, any reduced pressure backflow preventer.

"Privy" means a receptacle for non-liquid-carried excreta which is directly discharged to the soil.

"Product" means a combination of components comprising a unit which treats or disposes of wastewater.

"Public sewer" means a sewer system owned or operated by a governmental or quasi-governmental agency.

Q

R

"Replacement area" means an area within a lot designated to allow future construction of a replacement disposal system.

"Residence" means a structure that contains four (4) or fewer dwelling units.

S

"Scum" means the accumulated floating solids generated during the biological, physical or chemical treatment, coagulation, or sedimentation of wastewater.

"Seasonal high ground water table" means the highest level to which the upper surface of ground water may be expected to rise within twenty-four (24) consecutive months. Seasonal high ground water levels shall be determined by the department and shall be based on the best documented evidence available to the department at the time of installation or modification.

"Septage" means a mixture of sludge (solids separated from liquids), fatty materials, human feces, and wastewater removed during the pumping of a wastewater treatment unit.

"Septic tank" means a watertight receptacle constructed to promote separation of solid (sludge), liquid (supernatant), and scum components of wastewater, to provide limited digestion of organic matter, to store solids, and to allow clarified liquid to discharge for further treatment and disposal.

"Settleable Solids" are those solids that will settle to the bottom of an Imhoff Cone in a 60-minute period.

"Sewer system" or "sewer" means a wastewater collection system which includes, but is not limited to: the trunks, arterials, channels, conduits, manholes, pumps, pumping stations, piping, and other appurtenances necessary to collect wastewater from a community, water district, corporation, company, or other entity that produces domestic sewage or a majority of domestic

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

sewage mixed with other liquid wastes treatable in a wastewater treatment facility which is subject to a National Pollutant Discharge Elimination System (NPDES) permit.

"Site evaluator" means the person responsible for performing the soil and site characterizations required by this ordinance. A site evaluator shall obtain a site evaluator's certificate as described in Sec. 42-499, Certification.

"Startup" means the period of time needed for the wastewater system to become functional.

"Subdivision" means the division of a surface area of land, including land within a previously approved subdivision, into two (2) or more parcels for the purpose of sale, lease or other conveyance or for building development, whether immediate or future.

"Suitable soil" means a soil, whether naturally occurring or introduced, which will treat the effluent effectively, act as an effective filter, and remove organisms and suspended solids prior to the effluent reaching ground water, bedrock, or a limiting layer, and which will provide adequate transmission to prevent a failed system. A limiting layer may be consolidated earth material, an impervious soil layer, or the seasonal high water table. Suitable soils are classified as Type G-N per Table 5, Maximum Soil Infiltration Rates, of this ordinance.

"Surface water" means a recognizable body of water, including swamp or marsh areas and natural or constructed ponds contained within a recognizable boundary. This does not include retention or detention areas designed to contain standing or flowing water for less than 72 hours after a rainfall.

"System" means a wastewater system.

"System evaluator" means the person responsible for determining if a system complies with this ordinance. A system evaluator shall obtain a system evaluator's certificate as described in Sec. 42-499, Certification.

T

"Tank" means a watertight receptacle constructed to contain wastewater.

"Temporary" means a single period or an accumulation of periods in one location not exceeding 120 total days in any 365-day period for recreational use and not exceeding 30 total days in any 365-day period for other uses except as stated otherwise in this ordinance.

"Total flow" means the sum of the design flows for all wastewater systems on a lot.

"TN" means Total Nitrogen. It is comprised of organic nitrogen, ammonia, nitrite, and nitrate.

"Toxic", "hazardous", or "industrial wastewater wastes" include, but are not limited to: wastewater carried off by floor drains, utility sinks, and equipment drains located in buildings in industrial or manufacturing areas, wastewater from commercial laundry facilities with more than four (4) self-service machines, and wastewater resulting from car and truck washes.

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

"Treatment component" means a product which is a component of the wastewater system where removal, reduction, or alteration of the objectionable constituents of wastewater is designed to occur. It may include a holding component but does not include native soil.

"TSS" means Total Suspended Solids, which are those solids that did not settle but remained suspended in the solution and can be filtered.

U

"UL" means Underwriters Laboratory.

V

W

"Wastewater" means the liquid- or water-carried wastes removed from residences, institutions and other establishments, including bath and toilet wastes, laundry waste, and kitchen waste but not including toxic, hazardous, or industrial waste.

"Wastewater permit" means a permit, issued by the department, which allows the construction of a wastewater system.

"Wastewater system" means a system that collects, treats, or disposes of wastewater and is not subject to a National Pollutant Discharge Elimination System (NPDES) permit. This includes, but is not limited to: a subsurface, surface, mound or other disposal system; a holding tank; an aerobic treatment unit or other treatment unit; a graywater system tank; a septic tank; a grease interceptor; a dosing tank; a solids or effluent pump; a waterless, incinerating, or organic waste-composting toilet; or other treatment system.

"Water table elevation" means the upper surface of the ground water or that level below which the soil or underlying rock material is saturated with water. Water table elevation is measured from the soil surface downward to the upper level of saturated soil or to the free water level.

"Watertight" means the seepage shall be no more than 0.01 gallons per square foot of submerged area per day.

X

Y

Z

Sec. 42-498. Sewers

If a public sewer system is available, any new structure requiring wastewater disposal shall be connected to the sewer system prior to the structure being occupied. If a public sewer system is available to a proposed subdivision, every lot in that subdivision shall, at the property line of each lot, be provided access to sewer.

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

A. If a public sewer system is available to a lot that has a structure that will be or is generating wastewater, or has a structure that has generated wastewater, that structure shall be connected to the sewer system within one year (365 calendar days) of the availability of sewer.

1. Exceptions:

a. A failing wastewater system shall be abandoned and the structure shall be connected to sewer within 30 days of the wastewater system's failure.

b. Within 30 days of the ownership of the property changing, the structure shall be connected to sewer.

c. Wastewater systems that were installed prior to the sewer system becoming available and meet the requirements of Section 42-508, Performance Standards, without a variance, are not required to connect to the sewer system.

Sec. 42-499. Certification

Certification programs for site evaluators, system evaluators, and installers shall be developed and administered by the department. To qualify for certification, the applicant shall meet certain minimum standards identified by the department and successfully complete the educational training program approved by the department. The department shall keep a list of certified site evaluators, system evaluators, and installers. A certification shall be valid for two (2) years and may be renewed in accordance with the program requirements. These certification requirements shall be established by the department and shall go into effect no later than one year (365 days) from the effective date of this ordinance. These certifications may be revoked or suspended.

Sec. 42-500. Product Approval

A. No treatment or disposal component shall be used in Bernalillo County until the department has approved it.

B. APPLICATION: The application for product approval shall be made in a format prescribed by the department. An application shall be completed in full, signed by the applicant and shall be accompanied by all required exhibits and fees. The department may waive the fee for those products that were used in wastewater systems permitted within five (5) years prior to the effective date of the ordinance. The application, plans and specifications submitted for review shall be clear, legible, and of a permanent nature. The applicant may be asked by the department to give a presentation to a technical advisory committee or to the department. Specific records, reports, or other information or particular parts of the records, reports, or other information provided by the applicant shall be held confidential if a person can demonstrate to the department that the information, if made public, would divulge trade secrets or proprietary technical or financial data, methods or processes, or other proprietary information, the disclosure of which could harm the competitive position of the applicant.

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

- 1 1. The applicant shall be responsible for all information supplied to the department. The
2 signed application, system design plans, and other information submitted with the
3 application serve as the basis on which the department determines the issuance of an
4 approval. In the event of a change in any information given in the application, the
5 applicant shall immediately file an amended application detailing such changes.
6
- 7 2. The department shall, within 60 days after receiving the completed application and
8 associated fees, respond to the application.
9
- 10 a. Approval. If, upon review of the application and the supporting information, it is
11 determined that the proposed design, installation, and management of the
12 wastewater component conforms to this ordinance, a letter of approval for the
13 product shall be issued by the department. The initial approval is valid for two (2)
14 years, but may be revoked as provided in Section 42-513, Renewals, Revocations,
15 Revisions, Transfers, and Enforcement. Renewals of product approvals are valid
16 for five (5) years.
17
- 18 b. Review comments. If, upon review of the application and the supporting
19 information the department requires more information before a decision can be
20 rendered, the department shall provide a list of questions or corrections. Upon
21 receipt of the applicant's response to these questions or corrections, the department
22 shall continue review of the application.
23
- 24 c. Denial. If, upon review of the application and the supporting information, it is
25 determined that the proposed design, installation, or management of the
26 wastewater component does not conform to this ordinance, the request for product
27 approval shall be denied. When the request for an approval is denied, the
28 department shall provide, in writing, to the applicant the reasons for denial and the
29 procedures for appeal. An applicant denied an approval by the department may,
30 within fifteen (15) business days from the date of the decision, appeal the decision
31 as provided in Section 42-515, Variances and Appeals.
32

33 C. TREATMENT COMPONENT: The applicant shall provide adequate information with
34 the application to show that the product is capable of meeting the requirements of this ordinance,
35 and in particular, that the applicable performance standard in Section 42-508, Performance
36 Standards, can be met. The applicant requesting the approval of these systems shall:

- 37
- 38 1. Identify the manufacturer's New Mexico based representative; and
39
- 40 2. At no charge, provide interested parties and department staff with appropriate training
41 materials and a comprehensive workshop on installation, operation, and maintenance of
42 the product; and
43
- 44 3. Provide relevant performance data, which was developed in accordance with procedures
45 outlined by the department, for specified equipment and process units that document the
46 ability of the unit to meet a performance standard; and

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

4. Provide a management plan; and
5. Identify any limitations of the component; and
6. Provide a process diagram; and
7. Indicate time needed for startup; and
8. Provide engineering drawings; and
9. Demonstrate an ability to provide ongoing support for the product; and
10. Provide the information in a format that is acceptable to the department.

D. DISPOSAL COMPONENT: Aggregate disposal systems described in the most current New Mexico Plumbing and Mechanical Code do not require product approval. If product approval is required, the applicant shall provide adequate information with the application to show that the product is capable of meeting the requirements of this ordinance. The applicant requesting the approval of these systems shall:

1. Identify the manufacturer's New Mexico based representative; and
2. At no charge, provide interested parties and department staff with appropriate training materials and a comprehensive workshop on installation, operation, and maintenance; and
3. Provide a management plan; and
4. Identify any limitations of the component; and
5. Provide a process diagram; and
6. Provide engineering drawings; and
7. Demonstrate an ability to provide ongoing support for the product; and
8. Provide the information in a format that is acceptable to the department.

E. MANAGEMENT PLAN: Management plans shall include such operation, maintenance, and monitoring activities as are necessary to ensure that the wastewater system achieves its designed performance in a continuous manner. The department shall review the plan for its adequacy in maintaining the designed performance and for the ability of owners to comply with the plan. The management plan for the wastewater system shall include, but is not limited to, the following:

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

1. Accumulated solids or by-product removal requirements; and
2. Influent and effluent volume and characteristics; and
3. Metering, sampling, and monitoring schedules and requirements; and
4. Site vegetative cover control and removal; and
5. Load and rest schedules; and
6. Contingency plans for periods of adverse weather, unusually high flows, or component failure. In the event of a power outage or mechanical failure, the system shall meet Class 1 Performance Standards; and
7. Odor and nuisance abatement; and
8. Pumping frequency; and
9. Any other maintenance requirements in terms of processes and frequency; and
10. Installation and maintenance instructions; and
11. Installation and inspection checklists; and
12. Start up and shut-down procedures; and
13. A method of determining if the wastewater system is complying with this ordinance and the management plan; and
14. Minimum qualifications and training for maintenance personnel; and
15. Procedure for abandonment.

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

42-501. Operating Permit

The operation of a wastewater system shall not commence until the department has issued the operating permit to the owner of the property where the system is located. For new or modified systems, the wastewater application shall serve as the application for the operating permit. In all other instances the owner shall submit to the department, in a format prescribed by the department, an operating application.

A. CONVENTIONAL SYSTEMS: An operating permit for a new system or for a modified system, which consists of a septic tank which gravity drains to a trench or bed disposal field, or gravity drains to an evaporation pond or evapotranspiration bed, shall be issued if:

1. The owner has agreed to have the septic tank pumped as specified in the management plan; and
2. The installer has informed the owner how to properly operate the system; and
3. Results of the tests required in Section 42-512 (C) confirm that the wastewater system meets the applicable manufacturer's specifications, permit requirements, and any other requirements as outlined in this ordinance; and
4. The department has given final inspection approval.

B. ALTERNATIVE SYSTEMS: For all other new wastewater systems or modified systems, the owner shall have a valid maintenance contract in place at all times. The operating permit shall be issued if:

1. The owner will continually have a maintenance person under contract and a contract with a maintenance person has been submitted to the department; and
2. The maintenance person has informed the owner how to properly operate the system; and
3. Results of the tests required in Section 42-512 (C) confirm that the wastewater system meets the manufacturer's specifications, permit requirements, and any other requirements as outlined in this ordinance; and
4. The department has given final inspection approval.

C. EXISTING CONVENTIONAL SYSTEM: An operating permit for an existing system, which consists of a septic tank which gravity drains to a trench or bed disposal field, or gravity drains to an evaporation pond or evapotranspiration bed, shall be issued if:

1. The owner has agreed to have the septic tank pumped as specified in the management plan;

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

2. The department has received a letter from the owner indicating that the owner has informed the occupant, if different than the owner, how to properly operate the system; and

3. A system evaluator has evaluated the system and the department has given a system inspection approval.

D. **EXISTING ALTERNATIVE SYSTEM:** For all other existing wastewater systems the owner shall have a valid maintenance contract in place at all times. The operating permit shall be issued if:

1. The owner will continually have a maintenance person under contract and a contract with a maintenance person has been submitted to the department; and
2. The department has received a letter from the owner indicating that the owner has informed the occupant, if different than the owner, how to properly operate the system; and
3. A system evaluator has evaluated the system and the department has given a system inspection approval.

Sec. 42-502. Wastewater System Permit

A. **PERMIT REQUIREMENTS:** The installation or modification of a wastewater system shall not commence or continue unless the installer possesses a valid wastewater permit as provided in this ordinance.

1. A wastewater permit is required for:
 - a. The installation of a wastewater system; or
 - b. The modification of a wastewater system; or
 - c. The replacement or addition of a wastewater treatment, holding, or disposal component.
2. A permit is not required for servicing or for replacing mechanical or electrical parts of an approved wastewater system with like kind parts; pumping of septage from a system; or making minor structural corrections to a tank or distribution box.
3. The applicant shall be responsible for all information supplied to the department. The signed application, site evaluation, system design plans, and other information submitted with the application serve as the basis upon which the department determines the issuance or denial of a permit. In the event of a change in the information given in the application, the applicant shall immediately file an amended application detailing such changed conditions.

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

B. APPLICATION AND SUBMITTALS FOR WASTEWATER PERMIT: The application shall be made in a format prescribed by the department. An application shall not be deemed complete until all information outlined below is provided. The application, plans and specifications, and other documentation submitted for review shall be clear, legible, and of a permanent nature. The owner's name and the site address shall be noted on all documents submitted to the department.

1. Application. The owner of the property or properties on which the wastewater system is located or will be located, or the authorized representative, shall submit the application to the department. The applicant shall be the owner of the property. An application shall be completed in full, signed by the owner and the owner's authorized representative, if any, and accompanied by all required exhibits and fees. If the owner of a property uses an authorized representative, a signed statement from the owner of the property assigning authority for the representative to act on the owner's behalf during the application review process shall accompany the application.
2. Plans and Specifications. At least two (2) sets of construction drawings and two (2) sets of specifications shall be provided. Specifications for a project do not have to be a separate document, but may be delineated on the plans. Plans and specifications for all installations and modifications shall be submitted to the department and shall include, but not be limited to the following:
 - a. Details and configuration layouts depicting how the design is to be constructed and how the design is to perform relative to the treatment, disposal, or holding of wastewater; and
 - b. Specifications including a description of the materials for the project and the installation or construction practices and methods to be employed; and
 - c. The designer's name, address, phone number; and
 - d. The owner's name, address, and phone number; and
 - e. The site address; and
 - f. The legal description; and
 - g. The Uniform Property Code for the lot; and
 - h. The signature of the person who is responsible for the design of the wastewater system together with the date of signature. If the designer is required by this ordinance to be a professional engineer, the engineer's license number shall also be noted on the plans.

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

3. Site Plan. All information that is necessary to determine the total wastewater flow and proper setbacks shall be submitted with the application.

a. Two (2) sets of the site plan showing boundaries with dimensions, locations of any existing or proposed residences or buildings, swimming pools, recorded easements, the wastewater treatment and disposal system components; the slope of the area where the wastewater system will be located; the replacement area; any existing or proposed wells, potable and non-potable water lines (including valves), drainage features, filled areas, obstructed areas; and surface waters such as lakes, ponds, streams, or canals. If the lot is five acres or greater, the applicant may draw a minimum one acre portion showing all required features. The applicant shall also show the location of that one-acre or larger portion inside the total site. The distance from the wastewater treatment system to each of the pertinent features shall be shown on the site plan. If the features are within 100 feet of the applicant's lot, the actual or estimated distance to the feature shall be shown. The location of any public drinking water well within 200 feet of the applicant's lot shall also be shown, with the distance indicated from the system to the well. The applicant shall be responsible for the measurements to all features, including the pertinent features within 100 feet of the applicant's lot. Minimum scale of the site plan shall be one (1) inch equals twenty feet.

b. The north arrow, the number of bedrooms, the number of sinks and toilets in each building area, the building sewer, and any additional information as appropriate shall be shown on the site plan.

c. The layout of the wastewater system shall be staked on the property with each item identified. Each corner of the disposal field shall also be staked.

d. Site Evaluation. The suitability of a lot, property, or subdivision for the use of a wastewater system shall be determined from an evaluation of lot size, anticipated wastewater flow into the proposed system, the anticipated wastewater waste strength, soil and water table conditions, soil drainage, site topography, geological conditions, and other related criteria. Necessary site investigations and tests shall be performed at the expense of the owner by persons approved by the department to perform the work using the methods outlined in this section.

(1) The field technique described in ASTM Standard D 5879, Surface Site Characterization for On-Site Septic Systems, shall be followed in identifying and evaluating all significant conditions at the surface of a site, including climate, vegetation, topography, surface drainage, water sources, and human influences that may affect the suitability for design and construction of a wastewater system.

(2) The field technique described in ASTM Standard D 5921, Subsurface Site Characterization of Test Pits for On-Site Septic Systems, shall be followed in characterizing and evaluating the soils and identifying any limiting depth.

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

- (3) The use of probes or augers as an alternative to excavated pits is not allowed in characterizing or evaluating the soils. The loading rate shall be derived from a soil characteristic analysis.
 - (4) At least one test pit shall be excavated in the proposed soil absorption area. The department may also require additional or deeper test pits be excavated. The test pit shall be at least ten feet deep as measured from the surface unless consolidated earth material or ground water is encountered. The department may waive the test pit requirement in the North Albuquerque Acres and West Mesa areas, or if an applicable soil characteristic analysis is submitted to the department.
 - (5) Completed field data from each test pit and results of the site evaluation shall be submitted on a form approved by the department.
 - (6) The address shall be clearly posted at the site and the location of the test pits and wastewater systems components staked on the ground surface.
 - (7) If ground water is encountered in the test pit, the water table elevations that exist at the time of the site evaluation shall be submitted. Water table elevations shall be established from a benchmark or other fixed point of reference located on the property or within reasonable proximity to it. The existing property elevation at the site of each soil profile shall also be recorded relative to the benchmark or fixed point of reference.
4. Management Plan. A management plan approved under Section 42-500, Product Approval, shall be submitted with the application. If the owner of the wastewater system wishes to operate the system differently than specified in the management plan, a proposed amendment to the management plan for that specific site shall be submitted to the department for review.
5. Fees. The application fee shall be paid prior to or at the time the application is accepted for review by the department.
6. Supporting Data and Information. Sufficient data and information to determine if the proposed wastewater system or modification of an existing wastewater system will meet the requirement of this ordinance shall accompany all applications submitted for review. This information may include, but is not limited to, the following:
 - a. A signed copy of the maintenance contract. This contract shall be signed by all parties affected and shall be submitted to the department prior to issuance of a permit; and
 - b. The department may require that the plans for a wastewater system treating commercial wastewater be designed and submitted to the department for review

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

under the seal of a professional engineer licensed in the State of New Mexico. Floor plans for the structure(s), square footage of the structure(s), and the occupant loads per area of use shall be submitted. Also, the minimum and maximum daily hydraulic flow, and the influent BOD and Total Nitrogen load associated with the proposed project shall be provided.

C. **REVIEW OF APPLICATION:** The department shall review the application and submittals, and perform at least one site visit. The department shall maintain a written record of each site visit conducted for a wastewater system. The department shall respond to a wastewater application for a community system within 60 business days after receiving the completed application and associated fees. The department shall respond to wastewater applications for other systems within ten (10) business days after receiving the completed application and associated fees.

1. Approval. If the department determines that the proposed design, installation, and management of the wastewater system, or the proposed modification of an existing wastewater system, conform to this ordinance, a wastewater permit shall be issued to the installer.
2. Approval with conditions. If the department determines that the plans conform to this ordinance provided specific conditions are followed, a conditional permit shall be issued to the installer. All conditions shall be met before or during installation or modification. A system shall not receive a final inspection approval, nor shall the system be allowed to commence operations, until all of the conditions are met.
3. Review comments. If, upon review of the application and the supporting information, the department requires more information before a decision can be rendered, the department shall provide a list of questions or corrections. The applicant shall respond to these questions or corrections. Upon receipt of the applicant's response to these questions or corrections, the department shall continue the review of the application.
4. Denial. If, upon review of the application and the supporting information, it is determined that the proposed design, installation, modification, or management of the wastewater system does not conform to this ordinance, the wastewater permit shall be denied. The department shall provide, in writing, to the applicant the reasons for denial and the procedures for appeal. An applicant denied a wastewater permit by the department may, within fifteen (15) business days from the date of decision, appeal the decision as provided in Section 42-515, Variances and Appeals.

D. **EVIDENCE OF A WASTEWATER PERMIT:** When a wastewater permit is approved, a copy of the permit, along with one set of the approved plans and specifications, shall be provided to the permittee. It is the responsibility of the permittee to post, or have posted, the appropriate portion of the permit in such a location and manner, on the site where the wastewater system is to be installed or modified, that the information on the permit is visible from the street. The permit shall remain posted until completion of the wastewater system installation or modification and the final inspection has occurred. The installer shall keep a set of approved

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

plans and specifications on site during all phases of wastewater system construction, until final inspection has occurred. The plans and specifications shall be made available to the department upon request. The address of the site shall be posted at the site and clearly visible from the street.

E. **ONSITE SYSTEMS SERVING MORE THAN ONE ESTABLISHMENT OR RESIDENCE ON A LOT:** A lot which has, or will have, more than one residence or establishment that generates wastewater shall be provided with the fewest number of wastewater systems possible.

1. The application for a wastewater system which is to serve more than one establishment or residence on a single lot shall also be accompanied by a maintenance and operation agreement that contains the following information:

- a. The name, address, and phone number of each person involved in the use, operation, and maintenance of the wastewater system and their roles; and
- b. The name, address, and phone number of the person responsible for the operation and maintenance of the wastewater system; and
- c. A copy of a utility easement, which has been executed and recorded in the office of the County Clerk.

2. Subsection 1 shall not apply when the same person owns all of the establishments or residences, the wastewater system(s), and the lot on which they are located.

Sec. 42-503. Wastewater Systems - Over 2000 gals/day

In addition to the requirements in Section 42-502, Wastewater System Permit, the following requirements shall be met for wastewater systems designed to receive over 2000 gals/day.

A. **DISCHARGE PLAN:** An approved discharge plan, or a letter indicating that a discharge plan is not required, shall be obtained from the Water Quality Control Commission or the New Mexico Environment Department, Ground Water Quality Bureau, prior to a wastewater permit being issued.

B. **ENGINEER:** The wastewater system shall be designed and submitted to the department for review under the seal of a professional engineer licensed in the State of New Mexico.

C. **OPERATOR:** The operator shall have the appropriate wastewater operator's license as required by the State of New Mexico.

D. **PERFORMANCE:** Class 3 Performance Standards, set forth in Section 42-508, Table 1, shall be met. If less than two (2) feet of suitable native soil is directly beneath the disposal field, disinfection is required.

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

E. TOTAL FLOW: Total flow shall comply with Chart 2, Maximum Total Flow, unless the maximum total flow has been established by the Water Quality Control Commission or the New Mexico Environment Department, Ground Water Quality Bureau.

Sec. 42-504. Cluster and Community Systems

In addition to the applicable requirements in Section 42-502 and 42-503, the following requirements shall be met.

A. DESIGN: The systems shall be designed and constructed in accordance with the requirements of this ordinance. For the purposes of using Charts 1 and 2, Maximum Total Flow, the lot size shall be the sum of the lot sizes of the lots affected or using the wastewater system, unless the Water Quality Control Commission or the New Mexico Environment Department, Ground Water Quality Bureau, has determined otherwise.

B. PERMITS REQUIRED: Each lot owner, for that portion of the wastewater system for which they are responsible for having installed, or maintained, shall obtain a wastewater permit and an operating permit, or a plumbing permit, whichever is applicable. The owner of the property on which the treatment or disposal component is located shall obtain the wastewater permit and the operating permit for the remaining portion of the system.

C. MAINTENANCE AND OWNERSHIP AGREEMENT: Each property owner on a cluster or community system shall prevent materials which would adversely affect the operation of the cluster or community system from entering the wastewater system. The applicant shall obtain all necessary rights-of-way, easements, or ownership of properties necessary for the operation of the cluster or community system. The owner issued the operating permit is responsible for the operation and maintenance of the cluster or community system, and remains responsible up until such time as the new owner obtains the operating permit for the system. The applicant shall submit to the department:

1. A certified copy of an affidavit, which has been duly recorded in the office of the County Clerk and added to the deed for the real property on which the system is located and the deed for the real property of each property served. The affidavit shall state that the property shall not be transferred to a new owner without the new owner being advised that the property is part of this system and that the new owner apply for and obtain an operating permit; and
2. A reliable management structure for performing service, maintenance, and inspection of the system; and
3. A reliable plan for handling apportionment and collection of costs among the parties.

D. NOTICE OF APPLICATION SUBMITTAL: Within 20 days of the department receiving a complete application for a community system, the department shall send written notice of the applications submittal to the owners of all property within 200 feet, excluding public rights-of-way, of the exterior boundaries of the property that is the subject of the

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

application. Written notice shall also be sent to lots which, as part of the subdivision approval, are required to utilize the community system. For this purpose, the last known names and addresses of such owners as shown in the records of the Bernalillo County Assessor shall be used. When any of the property immediately beyond the 200 foot distance is under the same ownership as the property that is the subject of the application, the owner of the property next adjacent, disregarding public ways, also shall be notified.

Sec. 42-505. Custom and Experimental Systems

A. CUSTOM SYSTEMS: Each custom wastewater system shall be evaluated during the wastewater permit application review process set forth in Sections 42-502, 42-503, and 42-504, and shall meet the relevant requirements of those sections. A wastewater permit is required for each system and each owner shall obtain an operating permit prior to operation. In addition to the wastewater application and permit fees, a custom fee shall also apply. A management plan for the custom system, as well as supporting documents which contain sufficient data and information to determine if the proposed system is likely to meet the performance requirements set forth in Section 42-508, Performance Standards, is required. The department may require that the custom system be designed and submitted to the department for review under the seal of a professional engineer licensed in the State of New Mexico.

B. EXPERIMENTAL SYSTEMS: Each experimental wastewater system shall be evaluated during the wastewater permit application review process set forth in Sections 42-502, 42-503, and 42-504, and shall meet the relevant requirements of those sections. A wastewater permit is required for each system and each owner shall obtain an operating permit prior to operation. In addition to the wastewater application and permit fees, an experimental fee shall also apply. The department may require that the experimental system be designed and submitted to the department for review under the seal of a professional engineer licensed in the State of New Mexico. The following also apply:

1. In the event an experimental method or concept for the treatment or disposal of wastewater is proposed, the department shall require such additional monitoring, at the owner's expense, as the department deems necessary to ensure safe and proper treatment and disposal on an ongoing basis.
2. A maximum of three experimental systems per manufacturer shall be in operation, as an experimental system, at any one time.
3. All applications submitted for the review of an experimental system shall be accompanied by sufficient data and information to determine if the proposed system is likely to meet the performance requirements set forth in Section 42-508, Performance Standards. This information shall include, but is not limited to, the following:
 - a. The minimum and maximum anticipated daily hydraulic flow, the influent BOD, Total Nitrogen, and oil and grease concentrations of the proposed project; and
 - b. Documentation to support treatment and disposal claims; and

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

- c. A management plan for the proposed design; and
 - d. Soil and site evaluation reports for the sites selected; and
 - e. A description of the resources of the manufacturer or agent to operate and maintain the wastewater system; and
 - f. A statement of the objectives of the experiment relative to the wastewater system treatment or disposal capabilities; and
 - g. A delineation of the proposed sampling protocol of wastewater influent and final effluent loads and flows. Samples shall be collected at least monthly for at least an 18-month-period; and
 - h. A proposed schedule for installing, monitoring, reporting, and concluding the experiment; and
 - i. Should the system not meet the requirements of this ordinance, a proposed contingency plan.
4. No experimental system shall be placed in operation at a site until the department has issued a wastewater permit, inspected the installation, provided a final inspection approval, and issued the operating permit for that site.
 5. Two years after the installation of an experimental system, an evaluation report assessing the ability of that system to comply with the requirements of this ordinance shall be provided by the owner to the department in a format prescribed by the department.

Sec. 42-506. Temporary Systems and Abandonment of Systems

A. **HOLDING TANK PERMIT:** A holding tank permit is a temporary permit that allows the installation of a holding tank. Holding tanks may be used on a temporary basis or when it appears a sewer system may be available within six (6) months of the holding tank permit being issued. The contents of the holding tank shall be disposed of in an approved manner. A pumping agreement with a septage hauler shall be provided to the department prior to issuance of the permit. Within three (3) days of the disposal of the contents of the holding tank, the septage hauler shall provide a copy of the manifest ticket to the owner and the department. The owner shall retain all manifest tickets until the holding tank is properly abandoned. A holding tank shall not be used as a permanent method of managing wastewater.

B. **OTHER TEMPORARY SYSTEMS:** The department's approval shall be obtained prior to the use of a portable toilet or other temporary toilet service. The contents of the holding compartment shall be disposed of in an approved manner.

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

C. ABANDONMENT PERMIT: Whenever the use of a wastewater treatment and disposal system is discontinued following connection to a sewer system, or condemnation, removal or destruction of a building or property, or is permanently discontinued for any reason, the septic, holding, or dosing tank shall be abandoned within 30 days of the discontinuance of use and any further use of the system for any purpose shall be prohibited. However, if the department approves the use of a tank where the tank is to become an integral part of a sewer system, the tank need not be abandoned. The abandonment permit shall be obtained from the department prior to abandonment and the site shall be subject to an inspection by the department. An abandonment permit shall be obtained prior to abandoning a cesspool, septic tank, seepage pit, or any other such holding, treatment, or disposal component. Abandonment shall take place as described in the most current New Mexico Plumbing and Mechanical Code.

D. APPLICATION SUBMITTALS: Applications for a permit or approval under this section shall be made in a format prescribed by the department.

1. The owner of the property or properties on which the wastewater system is located or will be located, or the authorized representative, shall submit the application to the department. The applicant shall be the owner of the property. An application shall be completed in full, signed by the owner and the owner's authorized representative, if any, and accompanied by all required exhibits and fees. If the owner of a property uses an authorized representative, a signed statement from the owner of the property assigning authority for the representative to act on the owner's behalf during the application review process shall accompany the application. The address shall be clearly posted at the site and the location of the proposed holding tank or temporary toilet staked on the ground.
2. The department shall, within ten (10) business days after the completed application and associated fees, respond to the application.
 - a. Approval. If, upon review of the application and the supporting information the department determines that the proposed use conforms to this ordinance, a permit or approval shall be issued. A holding tank or tank abandonment permit shall be issued by the department in a format prescribed by the department.
 - b. Approval with conditions. If, upon review of the application and the supporting information the department determines that the proposed use conforms to this ordinance provided specific conditions are followed, a conditional permit or approval shall be issued. All conditions shall be met before or during installation or abandonment. A system shall not receive a final inspection approval, nor shall the system be allowed to commence operations, until all the conditions are met.
 - c. Review comments. If, upon review of the application and the supporting information the department requires more information before a decision can be rendered, the department shall provide a list of questions or corrections. The applicant shall respond to these questions or corrections. Upon receipt of the

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

applicant's response to these questions or corrections, the department shall continue the review of the application.

- d. Denial. If, upon review of the application and the supporting information it is determined that the proposed use does not conform to this ordinance, a permit or approval shall be denied. When the issuance of a permit or approval is denied, the department shall, in writing, provide to the applicant the reasons for denial and the procedures for appeal. An applicant denied a permit or approval by the department may, within fifteen (15) business days from the date of the decision, appeal the decision as provided in Section 42-515, Variances and Appeals.

Sec. 42-507. Fees

- A. No permit or approval shall be issued until all required fees have been paid.
- B. A schedule of fees shall be established by the County Commission.
- C. Fees are nonrefundable.

Sec. 42-508. Performance Standards

- A. The final effluent quality from the wastewater treatment component shall continually comply with the requirements of this ordinance. The performance standards for effluent shall be met at the end of the treatment component.
- B. The effluent quality required is based on site conditions as shown in Figures 1 through 7. Figures 1 through 4 govern existing lots. Figures 5, 6, and 7 govern lots created after the effective date of this ordinance.
- C. Total flow shall not exceed flow per lot size as shown on Charts 1 and 2, Maximum Total Flow.

Table 1
Performance Standards for Effluent

Class 1	Class 2	Class 3	Disinfection
Settleable Solids \leq 0.5ml/l	Settleable Solids \leq 0.5ml/l	Settleable Solids \leq 0.5ml/l	Fecal \leq 200 MPN/100ml
BOD \leq 150 mg/l	BOD \leq 30 mg/l	BOD \leq 30 mg/l	
TSS \leq 60 mg/l	TSS \leq 30 mg/l	TSS \leq 30 mg/l	
Fecal \leq 10 ⁶ MPN/100ml	Fecal \leq 10 ⁴ MPN/100ml	Fecal \leq 10 ³ MPN/100ml	

ORDINANCE NO. 2000-7

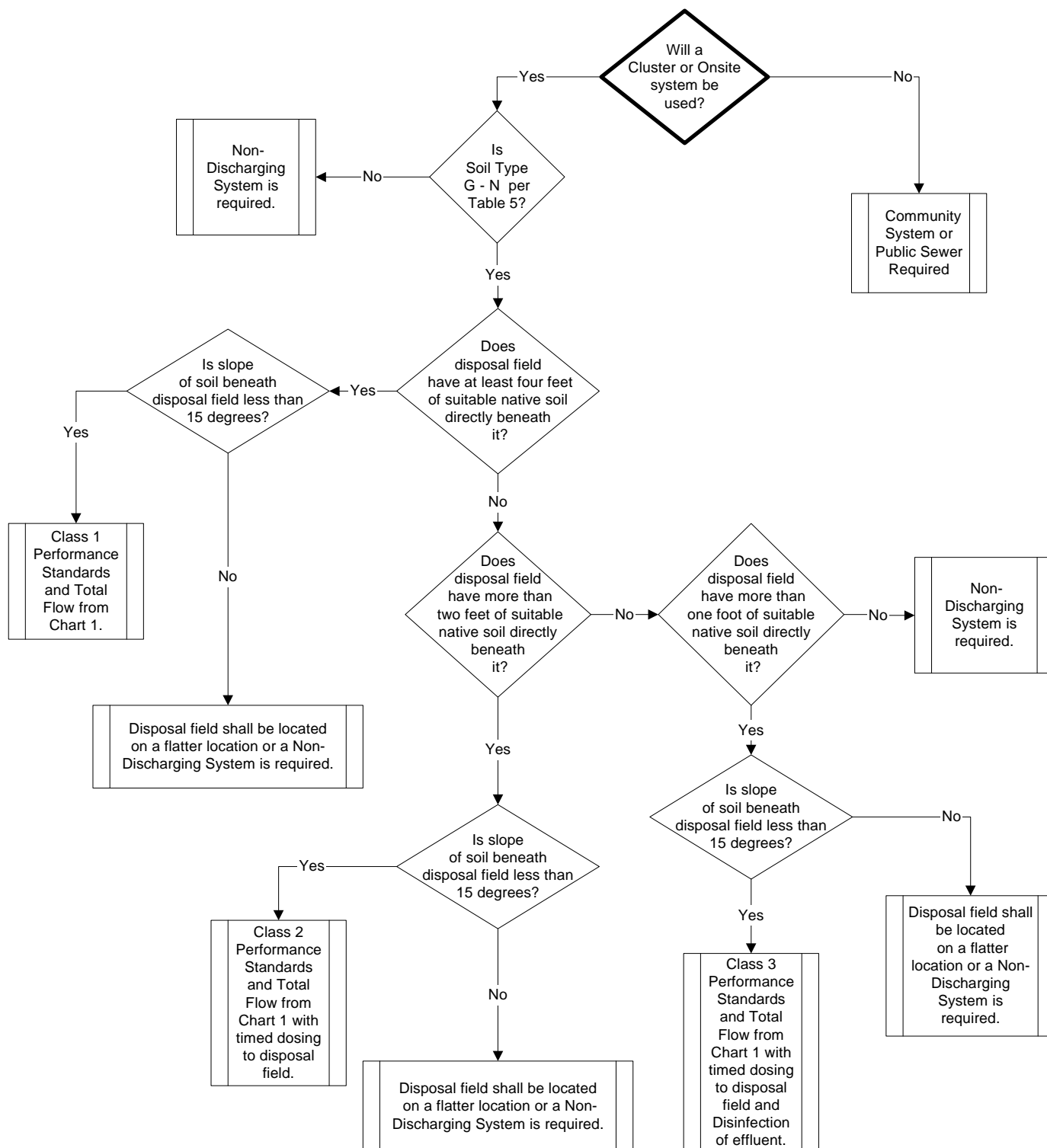
AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

TN*	TN*	TN*	
-----	-----	-----	--

*See Figures 1 through 7 and Charts 1 & 2 for effluent performance standards for Total Nitrogen (TN).

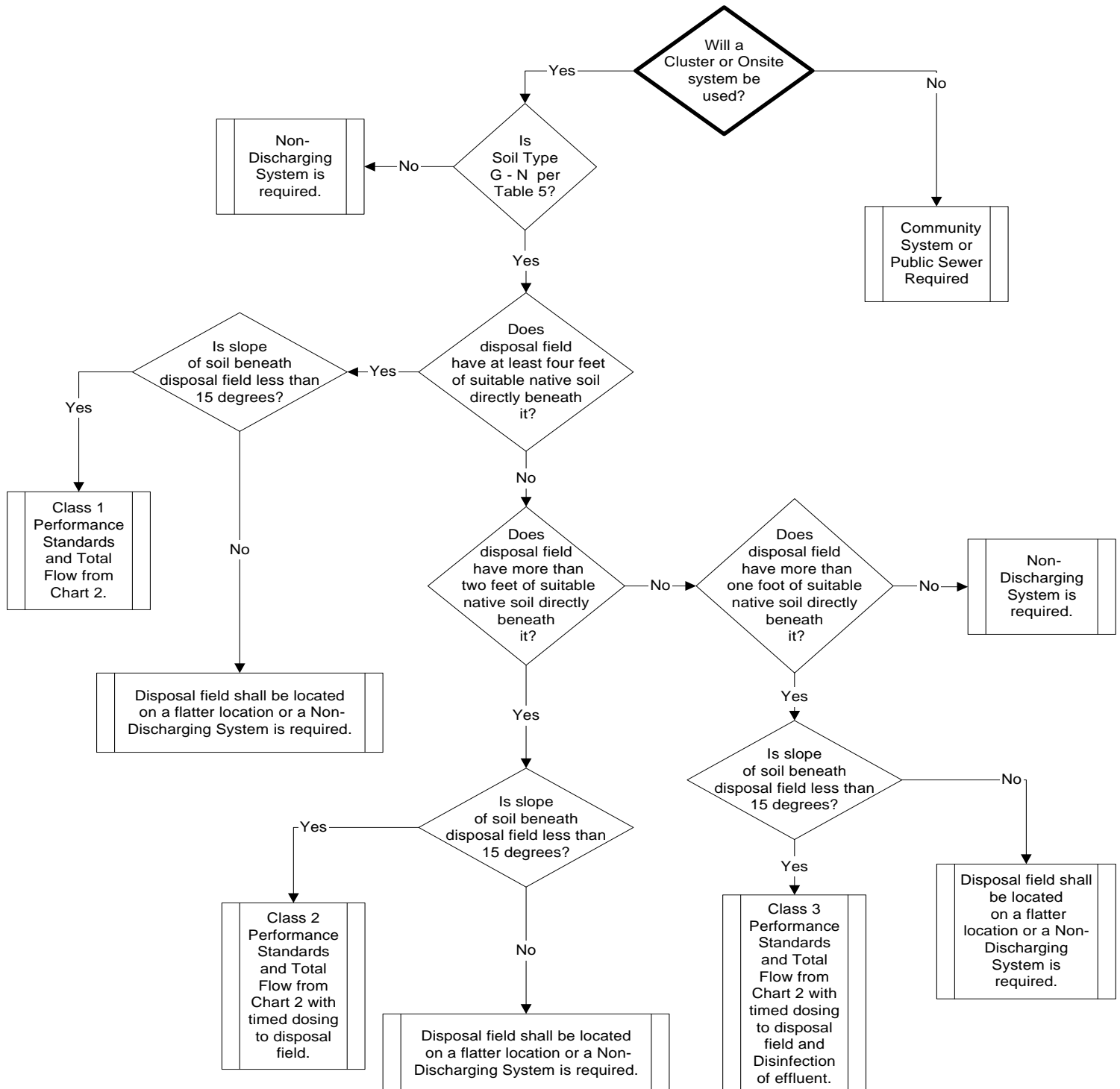
AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

Performance Standards for an Existing Lot
Lot Size - Two Acres or Greater
Figure 1



AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

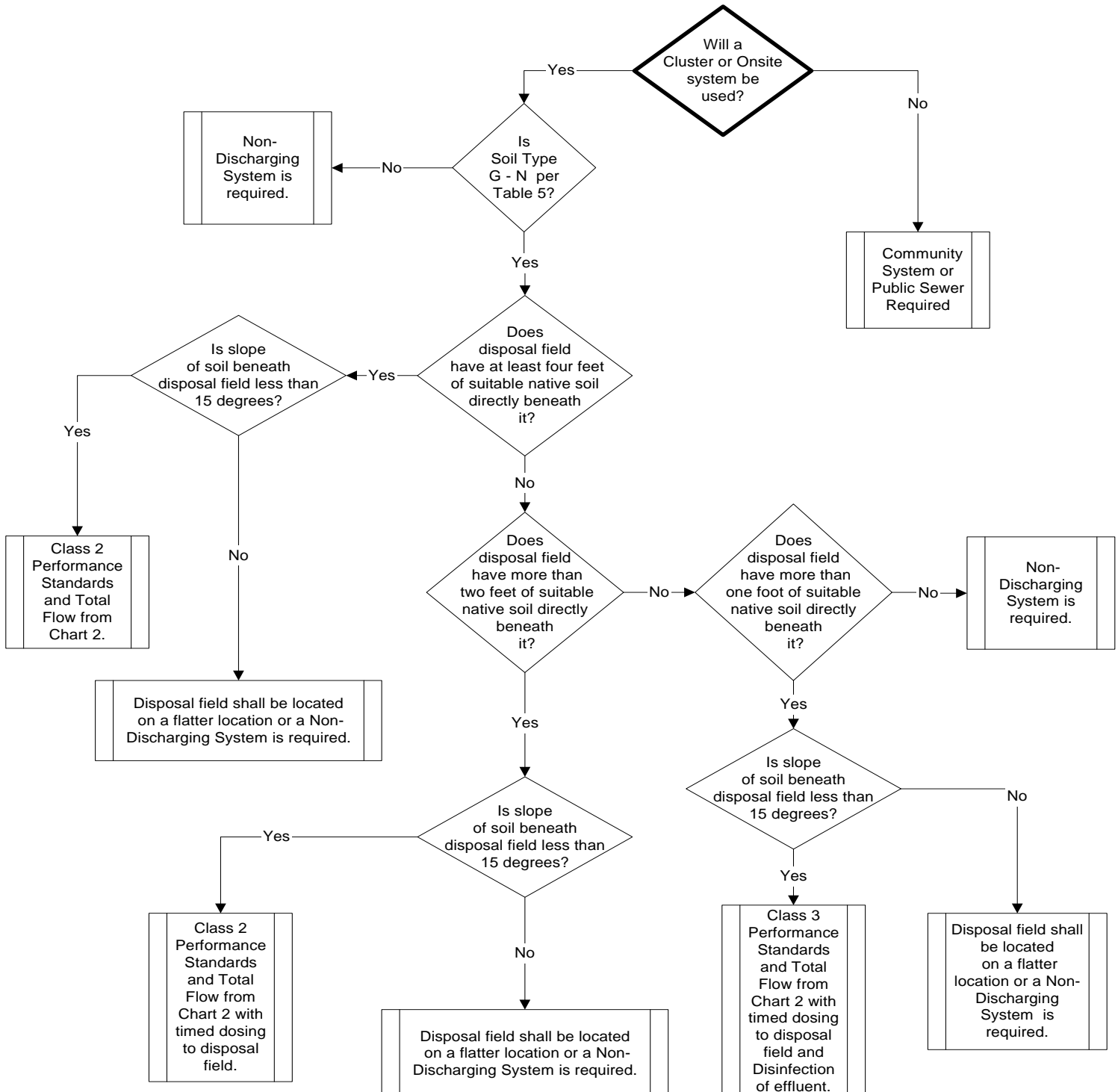
Performance Standards for an Existing Lot
Lot Size - 3/4 Acre or Greater and Less Than 2 Acres
Figure 2



AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

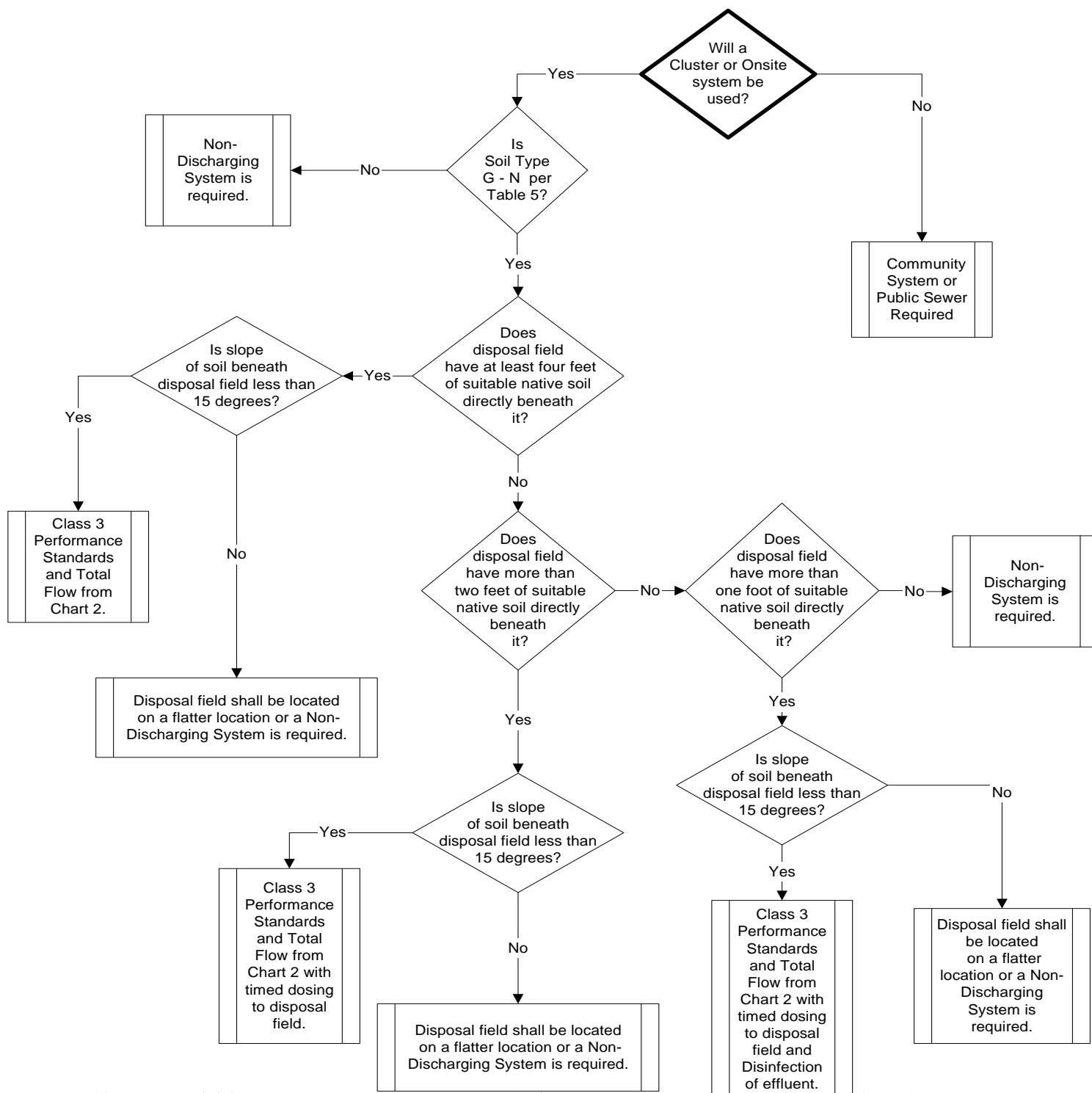
Performance Standards for an Existing Lot
Lot Size - Greater than 1/3 Acre but Less than 3/4 Acre

Figure 3



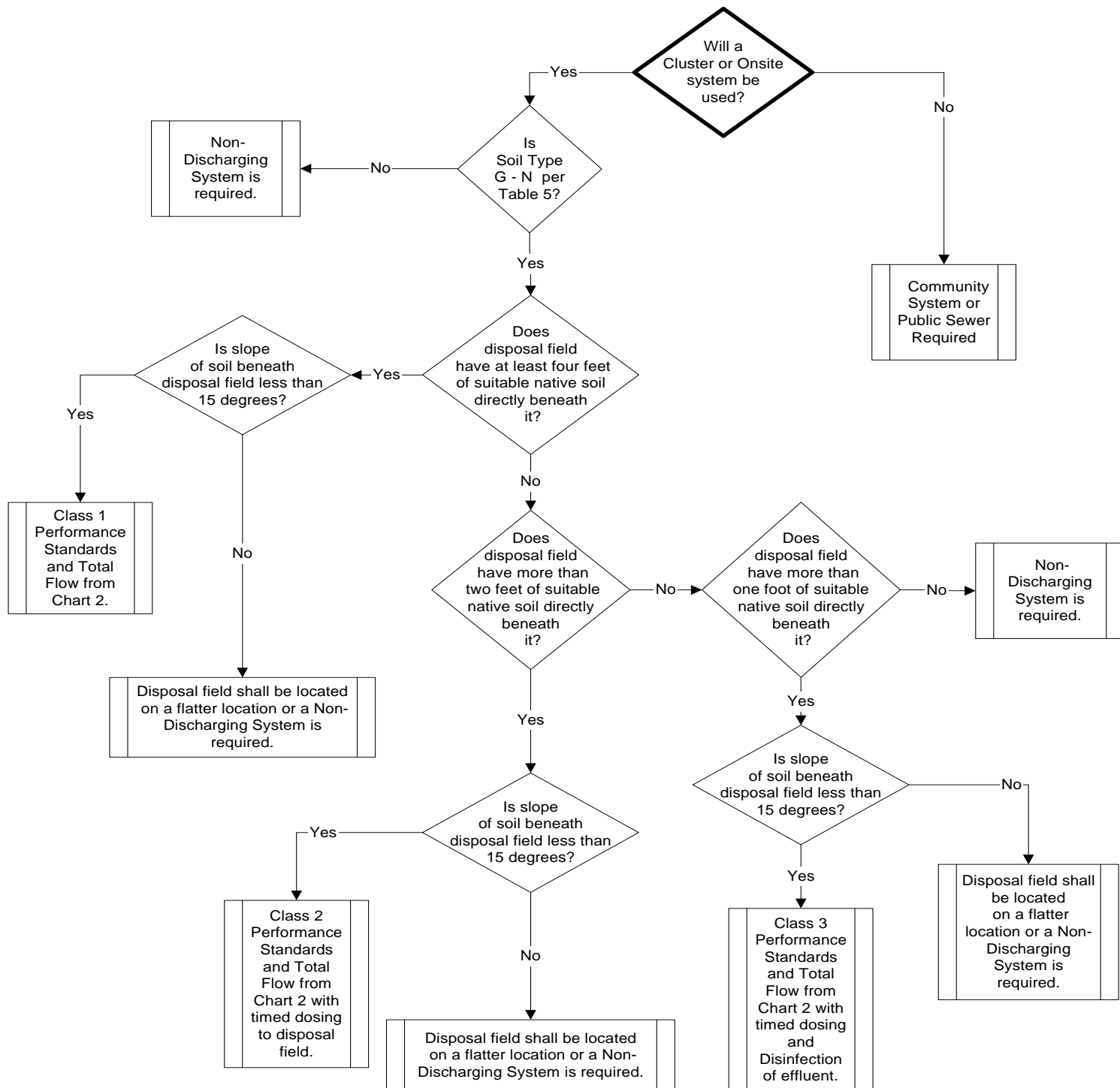
AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

Performance Standards for an Existing Lot
Lot Size - 1/3 Acre or Less
Figure 4



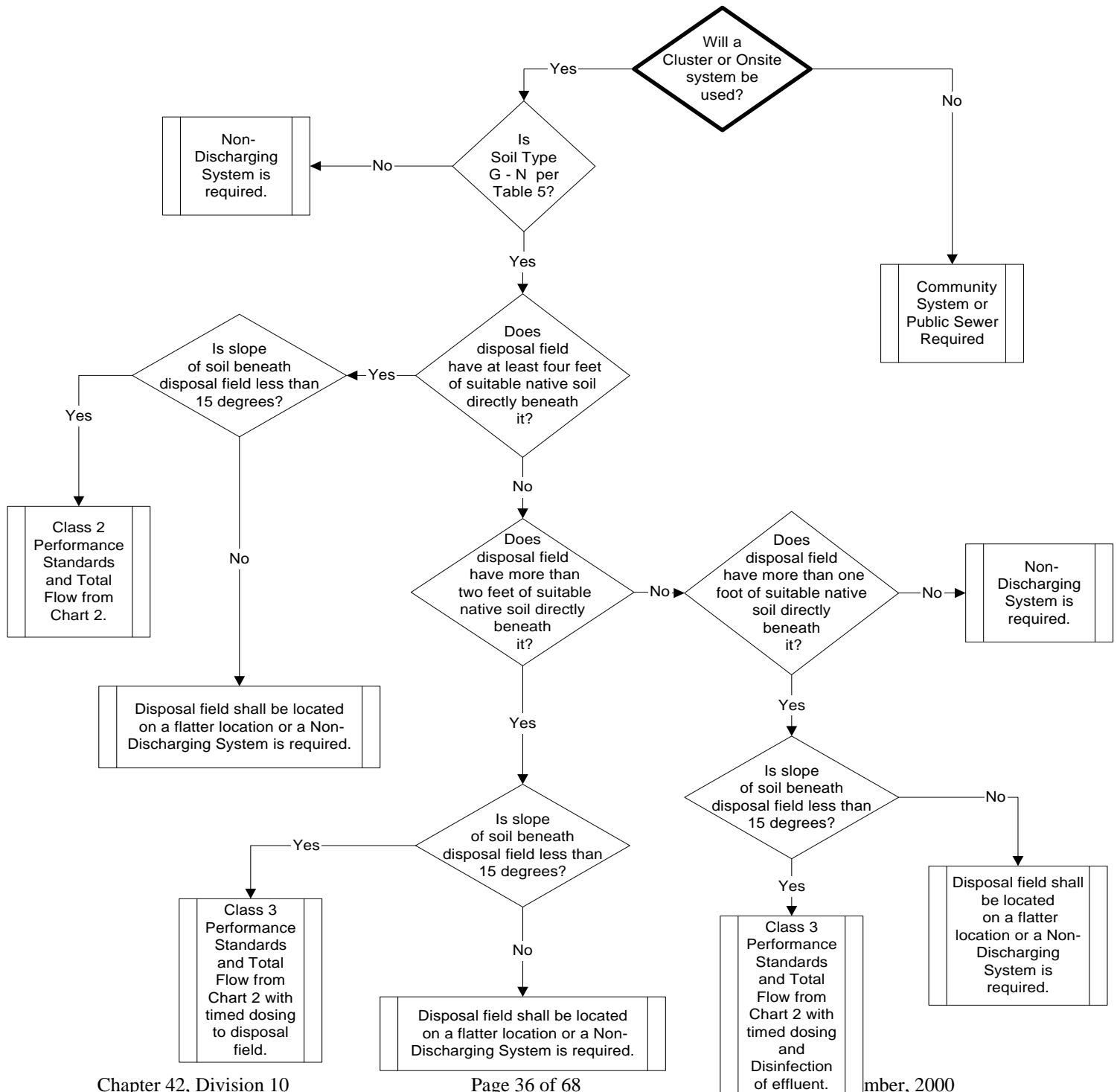
AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

Performance Standards for Lots Created After
the Effective Date of this Ordinance
Lot Size - Five Acres or Greater
Figure 5



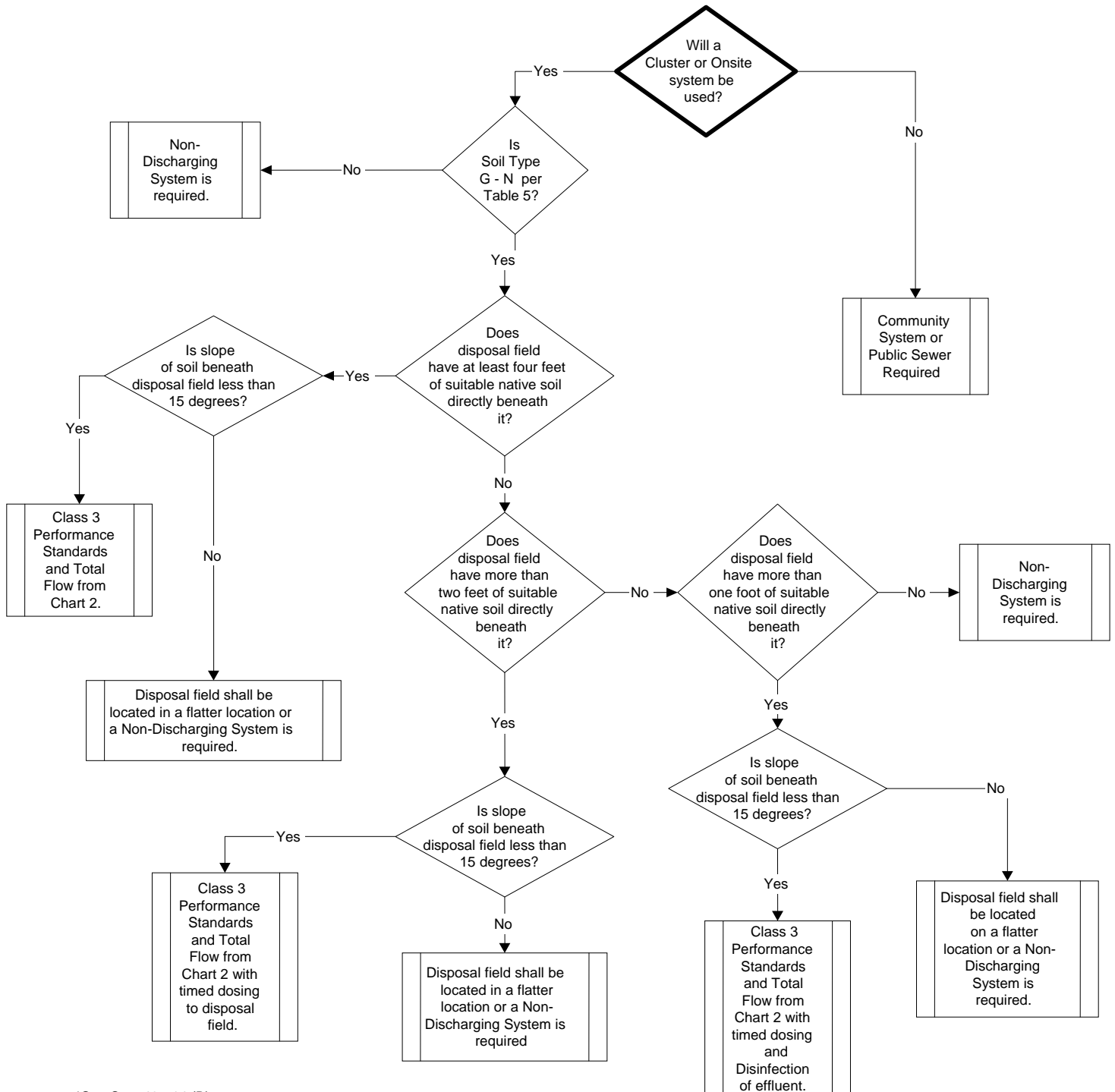
AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

**Performance Standards for Lots Created
After the Effective Date of this Ordinance
Lot Size - Two Acres or Greater and Less Than Five Acres
Figure 6**



AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

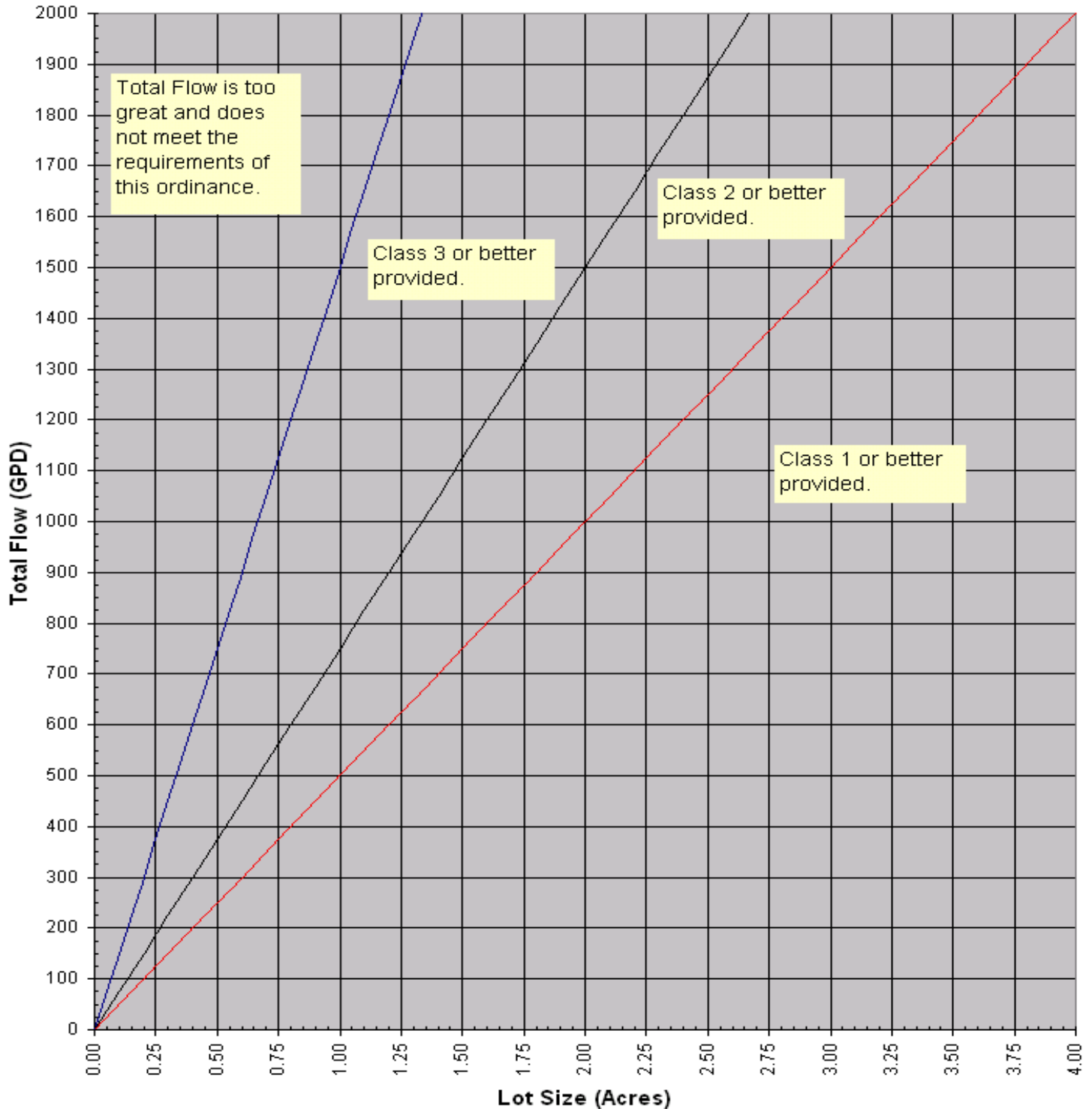
Performance Standards for Lots Created
After the Effective Date of this Ordinance
Lot Size - 3/4 Acre or Greater and Less Than Two Acres*
Figure 7



*See Sec. 42-514 (B)

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

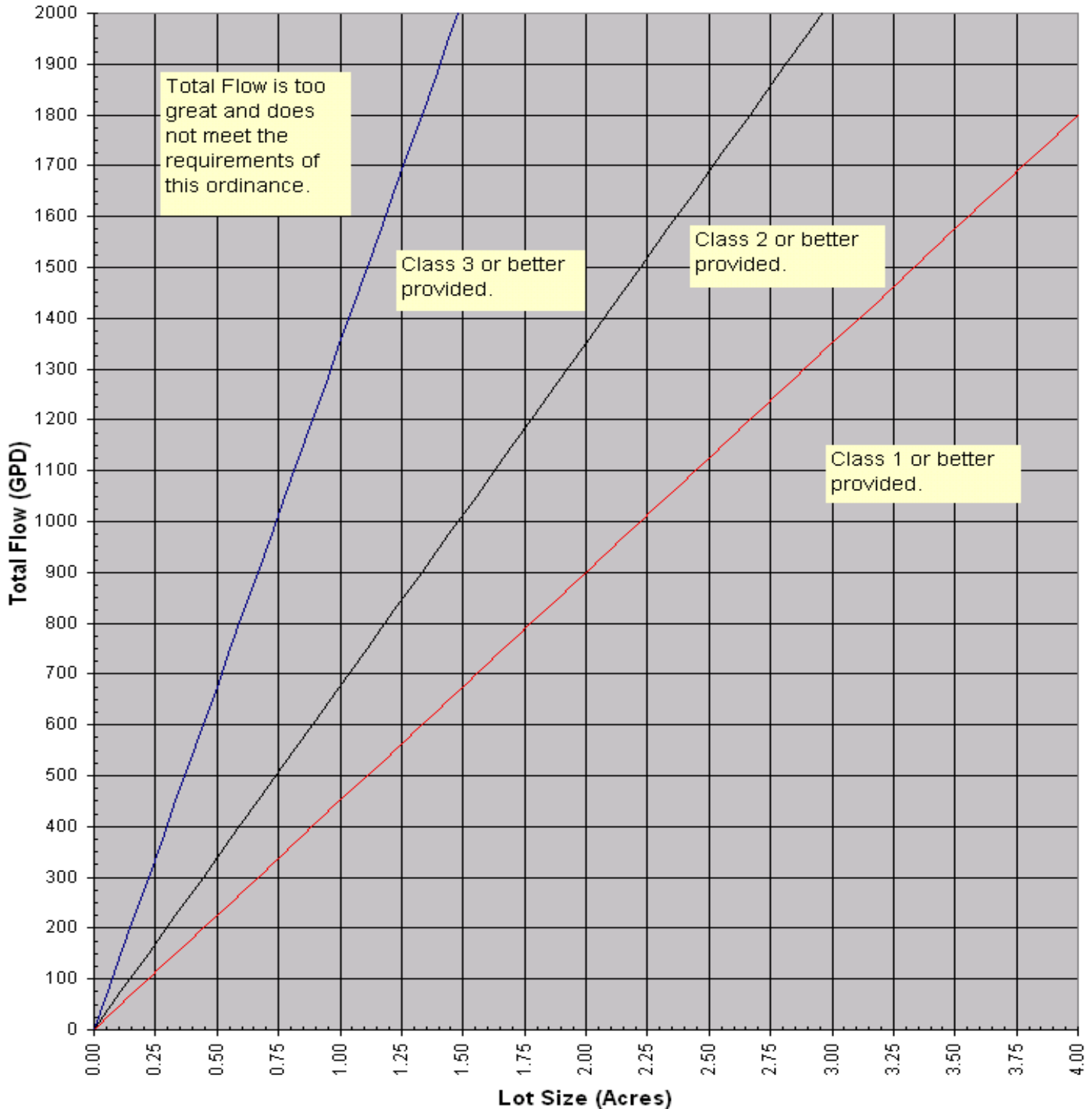
**Chart 1
Maximum Total Flow**



————— TN (mg/l) x Total Flow (gpd) x 0.00304410 is less than or equal to 91.3 lbs/acre/year TN

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

Chart 2
Maximum Total Flow



————— $TN \text{ (mg/l)} \times \text{Total Flow (gpd)} \times 0.00304410$ is less than or equal to 82.2 lbs/acre/year TN

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

Sec. 42- 509. Design

GENERAL DESIGN

1. Pretreatment. Substances deleterious to a wastewater system shall be intercepted, diluted, or treated prior to the substance discharging into a wastewater system. Ion exchange water softeners discharging a brine solution shall not discharge the solution into the wastewater treatment system. Toxic, hazardous, or industrial wastewater shall not be introduced into a plumbing drain system that is served by a wastewater system.
2. Design basis. All wastewater systems shall be designed to hold wastewater or reduce the contaminant load and disperse the hydraulic flow of wastewater as specified in this ordinance. The design of a wastewater system shall be based on the methods and limitations outlined in this ordinance or on other documentation acceptable to the department.
3. Design relation to actual flows and contaminant loads. In any case, where it is known that the wastewater flow or contaminant load exceeds the estimates of this ordinance, the wastewater system shall be designed in relation to the known flow or load. Additional water resulting from the use of a reverse osmosis water treatment unit shall not enter the wastewater system unless the wastewater system is designed to handle the additional hydraulic flow.
4. Design considerations. The determination of contaminant reduction and hydraulic disposal shall take into account the flow and contaminant load of the influent wastewater, the ability of all components to reduce contaminant load and disperse hydraulic flow into the environment, and all accepted engineering principles in regards to flow velocities and friction losses in the design. Storm and clear water wastes may be introduced into a plumbing drain system that is served by a wastewater system if the wastewater system is designed to accept those wastes.
5. Distribution and drain pipe sizing. The piping within a wastewater system shall be of a diameter to permit the proper operation of the wastewater system.
6. Venting. A means for providing a free flow of air movement shall be provided throughout all gravity flow portions of a wastewater system. All holding components shall be vented.
7. Frost protection. All wastewater system components shall be designed to be protected from freezing temperatures that could detrimentally affect component operation. An optimal working temperature shall be maintained.
8. Component placement. The orientation of a wastewater system treatment or disposal component utilizing native soils shall take into account variations in elevation, slope orientation, and other conditions that could affect component performance.

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

9. Soil erosion control. All wastewater system designs shall incorporate protection of the system from soil erosion that could detrimentally affect treatment or disposal.

10. Alarms or warning systems.

a. A wastewater system treatment component utilizing a mechanical or electrical device shall be provided with an automatic visual and audible means of notifying the operator of the wastewater system of a device failure in accordance with this section.

(1) An alarm for a pump shall be set to activate at least two (2) inches above the "pump on" point, or be activated by a method that provides equivalent protection.

(2) An alarm indicating the failure of a pump shall remain audible and visible until manually turned off.

(3) Where duplex-pumping equipment is employed to provide continuous component operation in the event that one pump fails, the pumps shall be installed in such a manner as to provide the continuous operation automatically.

b. A wastewater system holding component shall be provided with an automatic visual and audible means of notifying the operator of the wastewater system of the necessity for pumping. An alarm indicating the necessity to pump a wastewater system holding component shall be set so as to allow at least six (6) hours holding capacity above the high water alarm.

11. Control Panels. Electrical components shall be UL listed, waterproof, and if placed outside or in an unheated area, specified by the manufacturer for outdoor use.

12. Water tight. Joints and openings of tanks shall be sealed using a bonding compound that will adhere to the construction materials of the tank and inlet and outlet devices.

13. Accessibility. The design of a wastewater system shall provide for access to all components that require maintenance or observation. An easily accessible sampling port located at the end of the treatment component where performance standards are to be met shall also be provided. Each soil disposal component shall include an observation port of 6-inch minimum diameter.

14. Anchoring system components. All wastewater system components subject to flotation in saturated conditions shall be installed so as to prevent flotation.

B. DESIGN FLOW: For purposes of design, flow into a wastewater system shall be estimated using Table 2, Estimated Wastewater Flows, and the following requirements.

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

1. Systems serving high volume establishments, such as restaurants, convenience stores, and service stations located near interstate-type highways and similar high-traffic areas, require special sizing considerations due to expected above-average wastewater volume. Minimum estimated flows for these facilities shall be three (3.0) times the volumes determined from Table 2, Estimated Wastewater Flows.
2. For residences, the volume of wastewater shall be calculated as 40 percent blackwater and 60 percent graywater.
3. Estimated wastewater flows from a convenience store shall be determined by adding flows for food outlets and service stations, as appropriate, to the products and services offered.
4. When design flows are based on metered flows, the metered flows shall be multiplied by 3.0 for flows sent to wastewater systems receiving a design flow of 25,000 gal/day or less and shall be multiplied by 1.5 for flows sent to wastewater systems receiving over 25,000 gal/day.
5. Estimated flows for dwelling units assume a maximum occupancy of two (2) persons per bedroom for the first two bedrooms and one (1) person for each bedroom thereafter.
6. Estimated flows for residential care facilities assume a maximum occupancy of two persons per bedroom. Where residential care facilities will house more than two persons in any bedroom, estimated flows shall be increased by 50 gallons per each additional occupant.
7. Estimating occupant load. When the number of persons using a facility is needed to determine the wastewater design flow, that number shall be the actual number of persons, or the occupant load as calculated per the most current Uniform Building Code, whichever is greater.
8. Estimating contaminant loads. Estimates of contaminant loads shall be based on a detailed analysis performed by the designer of the system and shall include, but not be limited to: BOD, Total Nitrogen, and Total Suspended Solids.
9. Total flow. For the purposes of using Charts 1 and 2, means the sum of the design flows for all wastewater systems on a lot.
10. Flow velocity.
 - a. Piping installed in a wastewater system shall be designed and installed to supply wastewater to the wastewater system treatment and disposal components while maintaining the velocity required to ensure proper operation of the wastewater system.

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

- b. Gravity flow piping between wastewater system components shall be installed at a pitch that produces a computed flow velocity of at least one-foot per second when flowing half full.
- c. Pressurization equipment or devices and piping upstream of a wastewater system treatment or disposal component shall be installed to produce a computed velocity of at least two (2) feet per second.
- d. Gravity piping within a wastewater disposal component shall be installed level.

Table 2
ESTIMATED WASTEWATER FLOWS

TYPE OF ESTABLISHMENT	GALLONS PER DAY
Airports, bus terminals, train stations, Bathroom waste only	
(a) per passenger	5
(b) add per employee per 8 hour shift	20
Barber & beauty shops per service chair	75
Bed & breakfast establishments	
(a) first bedroom	150
(b) additional bedrooms.....	100
Bowling alleys - bathroom waste only, per lane.....	75
Churches per seat	
(a) wastewater flow if there is not a kitchen	5
(b) If there is a kitchen add per seat	2
Country clubs	
(a) per member or patron.....	25
(b) add per employee per 8 hour shift	15
Doctor and dentist offices	
(a) per practitioner	250
(b) add per employee per 8 hour shift	15
Factories, exclusive of industrial wastes	
gallons per employee per 8 hour shift	
(a) No showers provided	25
(b) Showers provided	35
(c) add when cafeteria is provided	5
Flea markets	
(a) per non-food service vendor space	15
(b) add per food service establishment.....	50
(c) for flea markets open more than 3 days per week, estimated flows shall be doubled	
Food operations	
(a) Restaurant operating 16 hours or less per day per seat	40
(b) Restaurant operating more than 16 hours per day per seat	60
(c) Bar, cocktail lounge, per seat.....	20

ORDINANCE NO. 2000-7

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

1	add per pool table or video game.....	15
2	dance hall - add per person	5
3	(d)Carry out only, including caterers	
4	per 100 square feet of floor space.....	50
5	add per employee per 8 hour shift	20
6	(e)Food outlets excluding delis, bakeries, or meat departments	
7	per 100 square feet of floor space.....	10
8	add for deli per 100 square feet of deli floor space	40
9	add for bakery per 100 square feet of bakery floor space	40
10	add for meat department per 100 square feet of meat department floor space.....	75
11	add per water closet	200
12	Hotels & motels	
13	(a)Regular per room	100
14	(b)Resort hotels, camps, cottages per room	200
15	(c)Add for establishments with self service laundry facilities per machine	750
16	Institutions other than schools and hospitals per person, which does not	
17	include kitchen wastewater flows.....	100
18	(a)add per meal prepared.....	5
19	Mobile home parks	
20	(a)per single-wide mobile home space.....	300
21	(b)per double-wide mobile home space	450
22	Nursing, rest homes, adult congregate living facilities per bed,	
23	Including kitchen wastewater flows	125
24	Office buildings	
25	(a)per employee per 8 hour shift, or	20
26	(b)per 100 square feet of floor space, whichever is greater	15
27	Public parks	
28	(a)with toilets only, per person	5
29	(b)with bathhouse, showers & toilets	
30	per person.....	10
31	Residences	
32	(a)Single or multiple family per dwelling unit	
33	1 bedroom.....	150
34	2 bedrooms.....	300
35	3 bedrooms.....	375
36	4 bedrooms.....	450
37	For each additional bedroom, system sizing shall be increased by 75 gallons.	
38	(b)add per occupant over those listed in Section 42-509 (B) (5).	75
39	Transient recreational vehicle parks	
40	(a)Recreational vehicle space for	
41	overnight stay, without water	
42	and sewer hookup, per vehicle space.....	75
43	(b)Recreational vehicle space for	
44	overnight stay, with water and sewer	
45	hookup, per vehicle space.....	100
46	Schools per student/Camps or daycare per person	

ORDINANCE NO. 2000-7

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

1	(a)Day-type	20
2	add for showers.....	5
3	add for cafeteria	5
4	add for each day staff.....	20
5	(b)Boarding-type	100
6	Service stations per water closet	
7	(a)Open 16 hours per day or less	250
8	(b)Open more than 16 hours per day or unisex open 16 hours per day or less	400
9	(c)Unisex open more than 16 hours per day	800
10	Stadiums, race tracks, ball parks per seat	5
11	Stores per water closet	200
12	add per employee.....	20
13	add per square foot of floor space	0.1
14	Swimming and bathing facilities, including spas and hot tubs, public, per person	10
15	Theaters and auditoriums, per seat	5
16	Veterinary clinics	
17	(a)per practitioner.....	250
18	(b)add per employee, per 8 hour shift	15
19	(c)add per kennel, stall or cage	20
20	(d)add if grooming services are provided, per pet.....	20
21	Warehouses	
22	(a)per employee per 8 hour shift	15
23	(b)add per loading bay.....	100
24	(c)self-storage, per unit (up to 200 units).....	1
25	add 1 gallon for each 2 units or fraction thereof, for over 200 units	
26	and shall be in addition to employees, offices or living quarters flow rates.	
27	Work/construction camps, per worker.....	50

C. SEPTIC TANKS:

1. The design and construction of septic tanks shall comply with the design and construction standards set forth in the wastewater regulations adopted by the New Mexico Environmental Improvement Board or incorporated in those regulations by reference. Minimum effective septic tank capacity shall be determined from Table 3, Septic Tank Capacity. All septic tanks shall be multiple chambered or shall be placed in series to achieve the required effective capacity.
2. An approved outlet filter device shall be installed. For tanks placed in series, the outlet device shall be placed in the last tank. Outlet filters shall be placed to allow accessibility for routine maintenance. Utilization and sizing of outlet filters shall be in accordance with the manufacturer's recommendations.
3. All tanks shall be watertight.

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

4. Access manholes shall be installed over the inlet and outlet and shall extend to within six (6) inches of finished grade. Access to these manholes shall be vandal, tamper, and child resistant.
5. If the wastewater flow to an existing system increases by no more than 75 gallons per day above the design flow the system was initially approve for, the minimum effective capacity of the septic tank need not be increased.

**Table 3
SEPTIC TANK CAPACITY**

DESIGN WASTEWATER FLOW	MINIMUM EFFECTIVE CAPACITY
Gallons/Day	Gallons
0-375	1000
376-450	1200
451-600	1500
601-1250	2000
1251-1750	2500
1751-2500	3000

Note: Minimum Effective Capacity for flows in excess of 2500 gal/day shall be based on the following equation: (Gallons per day (gal/day) x 0.75) + 1125

D. GRAYWATER RETENTION TANKS: When a separate system is installed to dispose of graywater, the retention tank for such a system shall meet the following minimum design standards:

1. The design and construction of retention tanks shall comply with the design and construction standards set forth in the wastewater regulations adopted by the New Mexico Environmental Improvement Board or incorporated in those regulations by reference.
2. The minimum effective capacity of the graywater retention tank shall be 750 gallons for tanks receiving 75 gallons or less of flow per day. For graywater tanks receiving flows greater than 75 gallons per day, minimum effective tank capacity shall be based on the average daily graywater flow plus 200 gallons. Where separate graywater and blackwater tanks are utilized, the size of the blackwater tank can be reduced, but in no case shall the effective capacity of the blackwater tank be reduced by more than 25 percent. The minimum effective capacity for septic tanks disposing of blackwater shall be 1000 gallons.
3. Liquid depth shall be at least 30 inches.
4. Onsite graywater systems may be utilized when blackwater is directed into a sewer system if the blackwater will not adversely affect the sewer system or the treatment system that will receive the blackwater.

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

5. The graywater tank shall be baffled and vented as specified in the construction standards set forth in the wastewater regulations adopted by the New Mexico Environmental Improvement Board or incorporated in those regulations by reference, provided that a vented inlet tee, vented sweep, or baffle is provided.

6. All tanks shall be watertight.

7. An approved filter, capable of capturing lint from the laundry is required. This filter shall be accessible for maintenance and inspection.

8. Access manholes shall be installed over the inlet and outlet and shall extend within six (6) inches of grade. Access to these manholes shall be vandal, tamper, and child resistant.

E. **GREASE INTERCEPTORS:** Grease interceptors are generally not required as part of a wastewater system that serves a dwelling. Grease interceptors are required where grease waste is produced in quantities that could otherwise cause line stoppage or hinder wastewater disposal. The design, construction, and installation of grease interceptors shall be based on standards found in the most current New Mexico Plumbing and Mechanical Code.

1. Interceptors shall be located so as to provide easy access for routine inspection, cleaning, and maintenance. Manholes shall be provided over the inlet and outlet of each interceptor and be brought to within six (6) inches of finished grade. Access to these manholes shall be vandal, tamper, and child resistant.

2. Where a grease interceptor is required or used, only kitchen wastewater shall pass through the interceptor. The wastewater shall then be discharged into the first compartment of a septic tank or other approved system.

3. Sizing of grease interceptors shall be based on the equations below. The minimum volume of any grease interceptor shall be 750 gallons and the maximum volume of a single grease interceptor shall be 1,250 gallons. When the required effective capacity of the grease interceptor is greater than 1,250 gallons, installation of grease interceptors in series is required.

a. Restaurants:

$(S) \times (GS) \times (HR/12) \times (LF) = \text{effective capacity of grease interceptor in gallons.}$

S = number of seats in the dining area.

GS = gallons of wastewater per seat:

use 25 gallons for ordinary restaurants,

10 gallons for single service article restaurants.

HR = number of hours establishment is open.

LF = loading factor: use 2.0 interstate highways, 1.5 other freeways, 1.25 recreational areas, 1.0 main highways, and 0.75 other roads.

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

- b. Grease interceptors for other types of establishments with commercial kitchens shall be sized per the most current New Mexico Plumbing and Mechanical Code.

F. DOSING TANKS: The following requirements shall apply to all dosing tanks used as part of a wastewater treatment and disposal system, unless specifically exempted by other provisions of this ordinance.

1. Dosing tanks shall have a minimum effective capacity of one (1) day's design flow for systems which treat 600 gallons per day or less of wastewater, and three (3) times the designed dose for systems which treat more than 600 gallons per day of wastewater. Pump levels shall be set so that a minimum of two (2) times the required dose volume shall be available in reserve capacity in the event of pump failure for commercial systems and 1.5 times the required dose volume for residential applications.
2. Design and construction standards for dosing tanks shall be the same as for septic tanks, except that a single compartment tank is allowed and manhole covers shall be brought to grade.

G. HOLDING TANKS: Holding tanks shall be constructed of the same materials and by the same procedures required of septic tanks, except they shall have no discharge outlet and may be one-chambered.

1. The minimum size of a holding tank shall be 1000 gallons, or four (4) times the design flow, whichever is greater.
2. Holding tanks shall be located in an area readily accessible to a pump vehicle under all weather conditions, and where accidental spillage during pumpage will not create a nuisance or a hazard to public health.
3. Holding tanks shall be equipped with a visible and audible high-water alarm system placed in a conspicuous location approved by the department. The alarm shall be set to activate at 80 percent of tank capacity, or sooner.

Sec. 42-510. Disposal Systems

A. All systems shall be located and installed so that with proper maintenance the systems function in a sanitary manner, do not create sanitary nuisances or health hazards, and do not endanger the safety of any domestic water supply, ground water, or surface waters. Wastewater from treatment and disposal systems shall not be discharged onto the ground surface, or directly or indirectly discharged into arroyos, ditches, drainage structures, ground water, or surface waters unless with an approved Discharge Plan from the State of New Mexico Environment Department, Ground Water Quality Bureau. To prevent such discharge or health hazards:

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

- 1 1. Systems shall not be located under buildings, including pilings for elevated structures,
2 or within fifteen (15) feet of swimming pool walls, or within five (5) feet of property
3 lines, unless recorded easements are specifically provided; and
4
- 5 2. Systems shall not be located on slopes that exceed fifteen (15) degrees as measured
6 from the horizontal; and
7
- 8 3. Suitable, unobstructed land shall be available for the disposal field and its replacement
9 or system expansion. The minimum unobstructed area shall:
10
- 11 a. Be at least two (2) times as large as the disposal area required by this ordinance.
12 For example, if 200 square feet of disposal is required, the total unobstructed area
13 required, inclusive of the 200 square feet disposal area, would be 400 square feet.
14 Unobstructed soil area between drain trenches shall not be included in the
15 unobstructed area calculation; and
16
- 17 b. To the extent possible for the replacement area, be contiguous to the disposal site;
18 and
19
- 20 c. Be in addition to the setbacks required in Table 6, Setback Distances.
21

22 B. Except as provided in other sections of this ordinance, the disposal capability of a
23 wastewater system disposal component utilizing native soil shall be based on Table 5, Maximum
24 Soil Infiltration Rates. The soil conditions at the infiltrative surface of the wastewater system
25 disposal component utilizing native soils shall be used to establish the maximum loading rate for
26 a wastewater system disposal design. Designs shall take into account restrictive horizons that
27 may affect treatment or disposal. Maximum soil infiltration rates other than those specified in
28 Table 5, Maximum Soil Infiltration Rates, may be employed for the design of a wastewater
29 system disposal component utilizing native soils if approved by the department. Documentation
30 based on soil permeability and evapotranspiration estimates correlated to specific soil
31 characteristics and described in a detailed soil characteristic analysis shall be submitted.
32

33 C. Distribution box. Distribution boxes which are used for distributing wastewater from a
34 septic tank or other waste receptacle to the disposal lines shall be installed as described in the
35 most current New Mexico Plumbing and Mechanical Code and as required below.
36

- 37 1. Distribution boxes shall be watertight, constructed of durable materials, have adequate
38 structural strength, and be of sufficient size to accommodate the required number of
39 drainpipe lines.
40
- 41 2. Each disposal line shall be connected to the distribution box.
42
- 43 3. The invert of inlets to the box shall be at least one (1) inch above the invert of the
44 outlets. The invert of all outlets shall be level with respect to each other.
45

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

4. The distribution box shall be built as an integral part of the septic tank or, to prevent displacement, it shall be a separate unit set on a concrete foundation placed on compacted soil.

5. Concrete distribution boxes shall be coated on the inside with bituminous coating or other method approved by the department.

6. The distribution box shall be easily accessible.

7. A method of adjusting the flow through the distribution box shall be available.

D. Header pipe. Header pipe, when used, shall be installed in compliance with the following requirements:

1. Header pipe shall have a minimum inside diameter of four (4) inches for gravity flow applications. Header pipe shall not be perforated.

2. The header pipe shall be laid level with direct, watertight connections to each disposal line and the septic tank outlet pipe. When installed in a disposal field bed which uses mineral aggregate, the header pipe shall be encased in mineral aggregate, and shall be included as part of the disposal area. When a disposal system is utilized which does not require the use of mineral aggregate or the header pipe is not included within the absorption surface area, the header pipe shall not be included in disposal area size calculations. The header pipe shall be designed to distribute effluent as equally as practical to each drainline and shall be supported so that the header is level.

3. Pipe that connects the septic tank outlet to the header pipe or a distribution box shall comply with the strength and material standards for header pipe as required by the department.

4. Leveling of pipes, distribution boxes, or any other portions of a wastewater system shall be accomplished with the use of the proper leveling equipment.

E. Dosing. Pumps used to distribute wastewater effluent shall be certified by the manufacturer to be suitable for automatic dosing. Automatic dosing siphons may be used in lieu of pumps. The use of a timer as a part of any dosing system shall not be allowed unless it is part of a design submitted by the designer and is approved by the department.

1. Dosing systems with 2,000 square feet of disposal area or less shall consist of a dosing tank that receives the flow from a septic tank or other wastewater receptacle. This dosing tank shall be at least 24 inches in diameter, or of an equivalent rectangular size, and shall be provided with one or more pumps with level controls set in accordance with the requirements set forth in 3 and 4 of this subsection. Approved septic tank effluent pumps may be used in the second chamber of a septic tank that discharges into 2,000 square feet or less of disposal area. Where dosing is required, and where gravity flow into the disposal field is not possible, two pumps shall be required for systems

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

treating more than 500 gallons per day of commercial wastewater and the system shall be provided with a redundant pumping system. Where dosing is required for systems treating 500 gallons or less per day of commercial wastewater, only one pump shall be required.

2. Systems that have more than 2,000 square feet of disposal area shall have two dosing pumps, with each pump serving one-half of the total required absorption area. The pumps shall dose alternately. The dosing tank shall be at least 24 inches in diameter, or of an equivalent rectangular size, and the pumps shall be provided with effluent level controls set in accordance with the requirements set forth in 3 and 4 of this subsection.
3. Between the pump operating levels, the volume of the dosing chamber shall be adequate to assure that the entire drain pipe is dosed during each cycle.
4. The rate of dosing shall not exceed the ability of the soil to accept the wastewater effluent.
5. Where a septic tank or other wastewater receptacle must be placed too low to permit gravity flow into a properly designed, constructed, and located disposal system, a pump may be used to lift the effluent to a properly constructed header pipe or distribution box for effluent distribution by gravity throughout the disposal area. This provision shall apply only to disposal systems of 1,000 square feet or less of total area.
6. An audio and visual high-water alarm shall be provided in a conspicuous location and be visible and audible to system users. If the alarm is located outside, the alarm shall be waterproof and specified by the manufacturer for outside use.
7. Effluent distribution to native soils shall be such that no dose exceeds 20% of the total daily wastewater flow estimate. Effluent distribution to silt loam or finer soil material with weak, platy or massive structure shall be accomplished by means of pressurized distribution.

F. Disposal fields and seepage pits.

1. Except as otherwise indicated in this ordinance, disposal fields and seepage pits shall be constructed as specified in the most current New Mexico Plumbing and Mechanical Code.
2. Absorption beds may be used in lieu of the trench method. An absorption bed consists of an area in which the entire earth content of the required absorption area is removed and replaced with aggregate products and distribution pipe or other approved alternative disposal components. In no case shall the bottom surface of an absorption bed exceed a total of 1,500 square feet. The drainpipes shall be placed a maximum of six feet on center in an absorption bed. Where two or more beds are used to obtain the necessary absorption area, there shall be a minimum 10-foot separation between the side-walls of adjacent absorption beds. Absorption beds shall be designed to achieve the maximum

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

length to width ratio practical. The absorption surface area required for beds shall be 1.5 times the area required for trenches.

- 3.
- When installing a disposal system that uses mineral aggregate, all portions of the header pipe and perforated drain pipe shall be installed in clean aggregate meeting the requirements in Table 4, Clean Aggregate. In addition, not more than 3.75% by weight of the aggregate material at the point of use shall pass through a No. 200 sieve.

Table 4
Clean Aggregate

Sieve size	2 IN.	1 1/2 IN.	1 IN.	3/4 IN.	1/2 IN.	3/8 IN.	NO. 4
Percent Passing	90-100	35-100	15-100	0-70	0-50	0-30	0-5

- a. Approved materials for disposal mineral aggregate are quartz rock, granite, river gravel, lightweight aggregate and other equally durable materials.
- b. A copy of the bill-of-lading for the aggregate shall be part of the documentation of aggregate size and quality, and records shall be available for departmental review for a period of two years. The supplier or installer shall certify that the material meets the requirements requested by the designer.
4. The aggregate disposal field shall be protected from infiltration of earth backfill by an approved filter. The filter shall be placed on top of the disposal field only. The minimum earth cover over the top of the disposal, distribution box, or header pipe in standard subsurface disposal systems shall be six (6) inches after natural settling.
5. The inside diameter of the drainpipe used in disposal systems shall be determined based on the type and design of the proposed absorption system.
6. For gravity aggregate disposal systems, inside pipe diameter shall not be less than four (4) inches. Perforated pipe shall have two rows of holes and a minimum perforated area of 1-1/2 square inches per linear foot. Perforations shall be located not less than 30°, or more than 60°, from the vertical on either side of the centerline of the bottom of the pipe. However, for disposal systems designed by a professional engineer, drainpipe perforation area and hole configuration may differ but shall assure that effluent is distributed as equally as possible throughout the disposal area.
7. Depending on the type of disposal system being utilized, the disposal absorption surface shall be constructed level. Drain lines shall be placed at the same slope as the disposal absorption surface. A level shall be used to assist in the placement of the pipe.

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

8. The maximum length of drain lines for gravity systems shall not exceed 100 feet, and where two or more drain lines are used they shall be, as near as practical, the same length. The ends of two or more drain lines in bed and mound systems shall be connected to produce a continuous circuit. A continuous circuit arrangement is also recommended but not required for standard drain trench systems. However, when a continuous circuit arrangement is not used, the distal ends of the drain lines shall be capped or sealed. The aggregate-soil interface shall be 12 inches to 24 inches from the end of a drainpipe.

9. Separation between the disposal system and the treatment component or dosing tank shall be of adequate distance to not hinder operation of the system.

10. At least six (6) inches of soil cover shall be provided for drip disposal systems.

11. A minimum of 24 inches of suitable, unsaturated soil is required directly beneath the soil/disposal field interface.

G. Non-discharging disposal system. Class 1 Performance Standards shall be met unless this ordinance states otherwise, or an approved Discharge Plan from the State of New Mexico Environment Department, Ground Water Quality Bureau has been issued.

1. The quality of treated wastewater entering an evaporation pond shall be, for total coliform, less than one (1) colony forming unit per 100mL by the membrane filter method, or not present in any 10mL portion by the MPN method.

a. Evaporation ponds shall be designed and installed in such a manner as to prevent storm water runoff from entering the component.

b. An evaporation pond shall be provided with a perimeter dike of such height that the effluent volume discharged to the pond combined with the precipitation from a 100-year frequency, 24-hour duration rainfall event, does not reduce the available freeboard to less than one foot below the top of the perimeter dike. These ponds shall be enclosed with a fence as required for swimming pools in the most current New Mexico Building Code.

c. The maximum surface area for any single pond is 1,000 square feet. If more than one pond is proposed, the ponds shall be placed in a parallel configuration with the flow evenly distributed between the ponds.

d. Evaporation ponds shall be watertight.

e. An evaporation pond shall be designed by a New Mexico licensed professional engineer.

f. Weather data that best represents the local area shall be used.

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

- 1
 - 2
 - 3
 - 4
 - 5
 - 6
 - 7
 - 8
 - 9
 - 10
 - 11
 - 12
 - 13
 - 14
 - 15
 - 16
2. Evapotranspiration disposal system shall be designed and installed in such a manner as to prevent storm water runoff from entering the component.
 - a. The maximum surface area for any single cell is 1,000 square feet. If more than one cell is proposed, the cells shall be placed in a parallel configuration with the flow evenly distributed between the cells.
 - b. Evapotranspiration disposal systems shall be watertight.
 - c. An evapotranspiration disposal system shall be designed by a New Mexico licensed professional engineer.
 - d. Weather data that best represents the local area shall be used.

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

Table 5
MAXIMUM SOIL INFILTRATION RATES

Instructions: Read the questions in sequence beginning with A. The first "yes" response to a question corresponds to the maximum infiltration rate (gal/day/ft²).

Minimum Absorption Area Required = Design Flow divided by the Maximum Soil Infiltration Rate

Soil Type	Soil Structure (ASTM)	Maximum Monthly Average Loading	
		BOD ₅ > 30 ≤ 220mg/L	BOD ₅ ≤ 30 mg/L
		TSS > 30 ≤ 150mg/L	TSS ≤ 30 mg/L
		gal/day/ft ²	gal/day/ft ²
A	Is the horizon gravelly coarse sand or coarser?	0	0
B	Is the structure of the horizon moderate or strong platy?	0	0
C	Is the texture of the horizon sandy clay loam, clay loam, silty clay loam or finer and structure weak platy?	0	0
D	Is the moist consistence stronger than firm or any cemented class?	0	0
E	Is the texture sandy clay, clay or silty clay of high clay content and structure massive or weak?	0	0
F	Is the texture sandy clay loam, clay loam, silty clay loam or silt loam and structure massive?	0	0
G	Is the texture of the horizon loam or sandy loam and the soil structure massive?	0.40	0.46
H	Is the texture sandy clay, clay or silty clay of low clay content and structure moderate or strong?	0.30	0.35
I	Is the texture sandy clay loam, clay loam or silty clay loam and structure weak?	0.30 ¹	0.35 ¹
J	Is the texture sandy clay loam, clay loam or silty clay loam and structure moderate or strong?	0.60	0.69
K	Is the texture sandy loam, loam, or silt loam and structure weak?	0.60 ¹	0.69 ¹
L	Is the texture sandy loam, loam or silt loam and structure moderate or strong?	0.70	0.80
M	Is the texture fine sand, very fine sand, loamy fine sand, or loamy very fine sand?	0.70 ¹	0.80 ¹
N	Is the texture coarse sand, loamy sand or sand?	1.00	1.15

Note 1: Pressurized distribution system required.

Sec. 42-511. Setback and Installation Requirements

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

A. Wastewater system treatment, holding, and disposal components shall be located so as to meet the minimum setback distances outlined in this section and Table 6, Minimum Setback Distances.

Table 6
MINIMUM SETBACK DISTANCES

Physical Feature	Watertight Tank	Disposal Field
Arroyos, drainage & irrigation ditches	15 feet ^a + depth of channel	25 feet ^a + depth of channel
Building	5 feet	8 feet
Disposal Field	10 feet	10 feet
Distribution Box	10 feet	10 feet
Downslope Compacted Area	N/A	25 feet ^b
Property Line	5 feet	5 feet ^c
Swimming Pool	3 feet	15 feet
OHWL of Surface Water	3 feet	50 feet
Potable Water line ^d	Per New Mexico Plumbing and Mechanical Code	Per New Mexico Plumbing and Mechanical Code
Private and Irrigation Wells ^d	50 feet ^c	100 feet ^c
Public Well ^d	100 feet ^c	200 feet ^c
Replacement Area	10 feet	10 feet

N/A = Not applicable

OHWL = Ordinary high-water mark

Note a: Measured from that point of maximum curvature at the upper edge of a definite bank or, if no definite bank exists, the highest point where signs of seasonal high water flow exist.

Note b: Except below grade systems.

Note c: For seepage pits add three (3) feet to the setback distance from the property line.

Note d: If any other applicable ordinance, regulation, or code in effect at the time of the installation or modification requires a greater distance between the wastewater system and the well or water line than the distance set forth in this section, the greater distance shall be required. In addition, no variance from the setback provisions in this section shall be approved unless the proposed setback is approved also under any ordinance, regulation, or code governing the existing or proposed well or water line.

B. INSTALLATION

1. A distribution cell of a wastewater system treatment or disposal component located above original grade shall be oriented so that the slope of the original grade below the cell does not vary in elevation more than one percent of the cell length along the entire length of the cell.
2. A distribution cell of a wastewater system treatment or disposal component located below the surface of the original grade shall be level.
3. The geometry of a subsurface treatment or disposal component utilizing native soil shall take into account the gas exchange necessary for treatment or disposal of the effluent.

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

4. Wastewater system treatment and disposal components utilizing soils shall not be installed if the soil is frozen at the infiltrative surface of the component.
5. Snow cover shall be removed before excavating or installing wastewater system treatment and disposal components utilizing soils.
6. The soil moisture content for a soil disposal component shall be evaluated immediately prior to installation of the component. If the soil at the infiltrative surface can be rolled into a 1/4-inch string or "snake", the installation shall not proceed.
7. If wastewater treatment and disposal systems are installed in fill material, the fill shall be required to settle for a period of at least six (6) months, or have been compacted to a density suitable for wastewater disposal. The fill material shall be of a soil material suitable for wastewater disposal. The appropriate documentation, which indicates the fill material is suitable, shall be provided to the department.
8. To prevent soil smear and excessive soil compaction, disposal systems shall not be installed in soils with textures finer than sand, loamy sand, or sandy loam when the soil moisture content is above the point at which the soil changes from semi-solid to plastic.
9. All components of a wastewater system shall be bedded in accordance with the permit approval.
10. The proper equipment shall be used to assure all portions of the system are installed correctly.
11. The building sewer shall be clear of the property line and shall be set back at least two feet from any structures.

Sec. 42-512. Inspections, Maintenance, and Monitoring

A. To ascertain whether the wastewater system conforms to this ordinance, to any permit or plans approved by the department, or to the conditions of approval, the department may inspect the installation, modification, operation, or maintenance of a wastewater system, and collect samples for analysis. The department may also issue orders requiring the correction of errors or deficiencies, or otherwise enforce this ordinance as provided by law.

B. When a permit is required, no part of a wastewater system component shall be covered, nor any wastewater system component put into service until the department has inspected the system in accordance with this section and the permit. The permittee shall notify the department when the installation or modification of the wastewater system will be or is ready for an inspection. The department may require at least a 24-hour notification for each inspection. Saturdays, Sundays, and county-recognized holidays shall not be included in the calculation of this 24 hour period. The notification shall be in person, in writing, or by telephone or other electronic communication as directed by the department.

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

- 1 1. Prior to the final inspection by the department, the designer shall certify that the
2 installation of the system complies with the approved design and installation
3 requirements, and provide the department with one set of as-built drawings.
4 Wastewater systems that were required to be designed by a professional engineer shall
5 be certified by the professional engineer.
6
- 7 2. Final inspection approval shall not be granted until the department has confirmed that
8 all requirements of this ordinance, including building construction and lot grading
9 limitations, are in compliance with plans and specifications submitted with the permit
10 application.
11
- 12 3. If the system installation or modification does not pass an inspection, the department
13 shall notify the permittee and provide the permittee with a corrective action list. The
14 permittee shall make all required corrections and notify the department of the
15 completion of the affected work prior to re-inspection of the system. A re-inspection
16 fee may be charged to the permittee for each additional inspection associated with the
17 corrective action list. The department may issue an order directing an immediate
18 cessation of the installation of a wastewater system or the modification to an existing
19 wastewater system.
20
- 21 4. A building or structure shall not be occupied until final inspection approval has been
22 obtained and the operating permit has been issued by the department.
23
- 24 5. The permittee shall prepare the site for the inspection as requested by the department.
25
- 26 6. The department may require additional departmental inspections in addition to those
27 specified under this ordinance.
28
- 29 7. To assure compliance with the terms of the permits, the department shall, at least
30 annually, inspect those wastewater systems that receive commercial wastewater.
31

32 C. TESTING OF SYSTEMS PRIOR TO OPERATION: Before being put into service, the
33 components of a wastewater system shall be hydraulically tested in accordance with the
34 manufacturer's specifications or as otherwise specified in the permit. Operation shall commence
35 only if the results of the tests confirm that the wastewater system meets the applicable
36 manufacturer's specifications, permit requirements, and any other requirements as outlined in
37 this ordinance.
38
39

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

D. MAINTENANCE REQUIREMENTS:

1. The maintenance person, in accordance with the approved management plan and permits, shall perform periodic inspections of the wastewater system.
2. The maintenance person shall, in accordance with the approved management plan, maintain the wastewater system.
3. The pumping of wastewater system holding and treatment components, including septic tanks and holding tanks, is required to be performed by a licensed septage hauler.
4. At the completion of an inspection or pumping event, the maintenance person or septage hauler shall, within ten (10) days of the date of inspection or pumping event, and in a manner specified by the department, submit a report to the owner of the system and to the department. The department may require verification of any information contained in a report. Records shall be kept by the maintenance person and made available to the department for inspection upon request. Reports shall include the following information:
 - a. The wastewater system permit number; and
 - b. The address of the property where the system is located; and
 - c. The date of inspection or pumping; and
 - d. The name, address, and phone number of the person performing the inspection, maintenance, or pumping; and
 - e. Checklist used to perform the inspection; and
 - f. Results of the inspection and type of maintenance performed; and
 - g. Any other information required by the approved management plan.

E. METERING AND MONITORING

1. After startup is complete, the department may, at anytime, collect wastewater samples and have them analyzed to determine compliance with the performance standards.
2. When the department has a reasonable suspicion that toxic or hazardous compounds may be present, that the loading rate is greater than the design loading rate, or that the system is not functioning properly, the department may require additional monitoring. The owner shall pay all costs associated with this additional monitoring. The influent entering the wastewater system as well as the effluent shall be sampled and evaluated. Wastewater samples shall be analyzed to:

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

- 1 • Evaluate contaminant concentrations of contaminants listed in Table 1,
2 Performance Standards; and
3
- 4 • Evaluate contaminant concentrations of other contaminants, as required by the
5 department; and
6
- 7 • Calculate wastewater system effectiveness as it relates to the intended
8 operation; and
9
- 10 • Determine compliance with the manufacturer's specifications, permit
11 requirements, and any other requirements as outlined in this ordinance.
12
- 13 a. The samples shall be collected in accordance with the requirements of the
14 approved management plan or, where no procedures are specified, in accordance
15 with the most current edition of Standard Methods for Examination of Water and
16 Wastewater or other published sampling procedures accepted by the department.
17 Sampling shall occur at the time that the system is expected to be at peak usage or
18 as close to peak usage as is possible.
19
- 20 b. Except for those instances when the department allows field analysis, a laboratory,
21 approved by the department, shall analyze samples collected.
22
- 23 c. The results of the analyses required above shall be maintained and reported as
24 required by the department.
25
- 26 3. If required by the approved management plan or otherwise by the department, an
27 influent meter shall be installed as outlined below. Influent flows to the wastewater
28 system shall be metered by any of the following:
29
- 30 • Installing event counters and elapsed time meters; or
31
- 32 • Installing water meters to meter the water distribution system flow to the
33 wastewater system; or
34
- 35 • Metering wastewater flow from all parts of the plumbing system discharging
36 to the wastewater system; or
37
- 38 • Metering the water distribution system and metering exterior hydrant use.
39 Where meters are installed on an existing water distribution system, the entire
40 water distribution system may be metered and the exterior hose bib usage
41 estimated and subtracted from the total flow to meet the requirements of this
42 subsection.
43

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

Sec. 42-513. Renewals, Revocations, Revisions, Transfers, and Enforcement

A. EXPIRATION AND RENEWAL: Renewals of applications, permits, or approvals shall conform to the requirements of the ordinance in effect at the time the request is received.

1. Wastewater Application and Permit.

- a. An application shall expire 180 days after the application date, but may be renewed for an additional 180 days. The request for an extension shall be submitted prior to the original expiration date and be in a format prescribed by the department. Only one extension of time per application shall be granted.
- b. A wastewater permit for a new installation shall expire 180 days from the date of issuance and a wastewater permit for a modification shall expire 90 days from the date of issuance. A wastewater permit may be extended for an additional 90 days. The request for an extension shall be submitted in a format prescribed by the department and be received prior to the wastewater permit expiring. Only one extension of time per permit shall be granted.

2. Operating Permit. An operating permit for a wastewater system shall expire when the owner of the property transfers ownership or when the tenant or occupancy classification, pursuant to the most current Uniform Building Code, of an establishment changes. An operating permit must be obtained within 30 days of the property being transferred or the tenant or occupancy classification of an establishment changing.

3. Tank Abandonment Application and Permit.

- a. An application shall expire 30 days after the application date, but may be renewed for an additional 30 days. The request for an extension shall be submitted prior to the original expiration date and be in a format prescribed by the department. Only one extension of time per application shall be granted.
- b. A tank abandonment permit shall expire 30 days from the date of issuance, but may be renewed for an additional 30 days. The request for an extension shall be submitted in a format prescribed by the department and be received prior to the tank abandonment permit expiring. Only one extension of time per permit shall be granted.

4. Holding Tank Application and Permit.

- a. An application shall expire 30 days after the application date, but may be renewed for an additional 30 days. The request for an extension shall be submitted prior to the original expiration date and be in a format prescribed by the department. Only one extension of time per application shall be granted.

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

b. A holding tank permit shall expire on the date noted on the permit, but in no instance shall that date be more than six (6) months from the date of issuance. The permit may be renewed if sewer is not available.

5. Product Approval. An application shall expire 180 days after the application date, but may be renewed for an additional 180 days. The request for an extension shall be submitted prior to the original expiration date and be in a format prescribed by the department. Only one extension of time per application shall be granted. The initial approval of a product is valid for two (2) years. Renewals of approvals are valid for five (5) years.

6. Variance.

a. An application shall expire 180 days after the application date, but may be renewed for an additional 180 days. The request for an extension shall be submitted prior to the original expiration date and be in a format prescribed by the department. Only one extension of time per application shall be granted.

b. A variance approval shall expire on the date noted on the variance.

B. **REVOCATION OF A PERMIT OR APPROVAL:** The department may revoke any permit or any approval issued under this ordinance for any false statements or misrepresentation of facts on which the permit or approval was granted. The permit or approval may also be revoked for violations of the permit or discharge plan in the course of installation, construction, modification, maintenance, or operation; or failure of an approved product to operate properly; or the violations of any conditions attached to the issuance of the permit or approval; or violations of this ordinance. Failure to allow inspections is grounds for revocation or denial of a permit. The revocation, the reasons for revocation, and any appeal rights shall be conveyed, in writing, to the owner of the property.

C. **REVISIONS TO PERMIT:** Installing a system that is different from the system permitted, or installing a permitted system under conditions that have changed is prohibited, without first revising the permit. Making improvements to the property that result in a larger wastewater flow, covering the disposal field with impervious material, subdividing the property, adjusting a lot line, or modifying the proposed wastewater system are examples of the types of changes that require revision of the permit. Note: A revision of a permit pursuant to this section may require a modification of an approved Discharge Plan from State of New Mexico Environment Department, Ground Water Quality Bureau. In these instances, the owner shall submit to the department a request to revise the permit with the appropriate permit revision fee.

1. Two sets of revised plans and specifications, as well as a revised site plan, may be required when the changes involve:

a. Substituting a different treatment, holding, or disposal component for the component that was permitted; or

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

b. Adding a treatment, holding, or disposal component.

2. Prior to the changes being made in the field, the designer and the department shall approve all substantive changes to the approved plans and specifications. The permittee shall not commence revisions in the field until written or verbal approval is obtained from the department.

D. TRANSFERS

1. Applications for permits or approvals are not transferable.
2. The operating permit is not transferable.
3. A wastewater, tank abandonment, or holding tank permit may be transferred to an installer if the following conditions are met:
 - a. All information pertaining to the siting, design, location, installation conditions, or modification of a wastewater system remains the same; and
 - b. The name, address, and phone number of the proposed installer is provided to the department and the department approves the installer; and
 - c. A revision of permit fee is paid.
4. A variance approval is not transferable.

E. PENALTIES AND ENFORCEMENT

1. The operation or maintenance of any device, system, or portion of a system, or any discharge of wastewater in violation of any provision of this ordinance, which causes a nuisance, degrades or threatens to degrade surface or ground water, or creates a potential or actual health hazard shall be deemed, and is declared to be, a public nuisance and may be subject to abatement by a restraining order or injunction issued by a court of competent jurisdiction.
2. Any person who violates any provision of this ordinance shall be punished by a fine not exceeding \$300.00, imprisonment for a term not exceeding 90 days, or both. Each day of violation may be considered a separate violation.
3. The county may contract with a maintenance person to provide services to a property which does not possess a valid maintenance contract and place a lien on the property to recover the county's costs.

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

Sec. 42-514. Development Review

A. BUILDING AND ZONING PERMITS: The county shall not issue a business license or issue a building or zoning permit or approval associated with any lot which necessitates the use of a wastewater system, unless the department has determined that a wastewater system of adequate capacity and design to accommodate the wastewater flow and contaminant load is, or will be available, and the setback requirements in Section 42-511, Table 6, are, or will be met. A written investigative report prepared by a system evaluator analyzing the proposed modification and the performance capabilities of the existing wastewater system shall be provided to the Bernalillo County Zoning, Building, and Planning Department for review by the department. The department may require that a New Mexico licensed professional engineer perform this analysis. The applicant for any building or zoning permit or approval associated with a lot which has, or is proposed to have, a wastewater system shall provide documentation to the Bernalillo County Zoning, Building, and Planning Department, for review by the department, showing the location and setback distances for the proposed use relative to all of the following:

1. Existing and proposed structures; and
2. Existing and proposed wastewater system treatment components; and
3. Existing and proposed wastewater system holding components; and
4. Existing and proposed wastewater system disposal fields and replacement area; and
5. Existing and proposed building sewer lines; and
6. Existing and proposed swimming pools; and
7. Existing and proposed wells; and
8. Existing and proposed potable water lines; and
9. Existing and proposed paved surfaces; and
10. Existing and proposed driveways and parking locations.

B. SUBDIVISIONS

1. Subdivisions created after the effective date of this ordinance and containing five (5) or fewer lots shall, for lots less than 3/4 acre in size, provide access, at the property line, to a community wastewater system, or each lot which is less than 3/4 acre in size shall, at the property line, be provided access to sewer.
2. Subdivisions created after the effective date of this ordinance and containing more than five (5) lots shall, for lots less than two (2) acres in size, provide access, at the property

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

line, to a community wastewater system, or each lot which is less than two (2) acres in size shall, at the property line, be provided access to sewer.

Sec. 42-515. Variances and Appeals

A. VARIANCE: The owner may seek the department's recognition of an alternative method or means of complying with the intent of a specific requirement of this ordinance by requesting a variance in accordance with the provisions of this section.

1. Any owner seeking a variance from the requirements contained in this ordinance shall do so by filing a variance application with the department. The application shall be:
 - a. Made on a form provided by the department; and
 - b. Accompanied by relevant documents or materials which the applicant believes would support the application; and
 - c. Accompanied by documentation, including addresses, demonstrating that all owners of property sharing a common border with the lot for which the variance is sought have been notified of the nature of the variance application, the date of submission of the application to the department, and the time frame for department action as provided in subsection 2, unless all adjacent properties are more than 1,000 feet from the wastewater system for which the variance is sought; and
 - d. Accompanied by such other relevant information as the department may reasonably require; and
 - e. An application shall be completed in full, signed by the owner and the owner's authorized representative, if any, and accompanied by all required exhibits and fees. If the owner of a property uses an authorized representative, a signed statement from the owner of the property assigning authority for the representative to act on the owner's behalf during the application review process shall accompany the application.
2. The department shall, within 20 business days following receipt of the completed application and associated fee, respond to the application. The department shall grant the variance, grant the variance subject to conditions, or deny the variance, and shall provide written notification to the applicant and any other person making a written submission concerning the application. The reason for the department's action shall be provided in writing.
3. The department shall deny the variance unless the applicant establishes by clear and convincing evidence that:
 - a. The variance application offers an alternative method or means of complying with the intent of the specific provision of this ordinance proposed for variance; and

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

b. The proposed wastewater system or modification of an existing system shall not, by itself or in combination with other wastewater systems or other discharges permitted under state or federal law, cause a hazard to public health or degrade any body of water; and

c. Granting the variance will not adversely affect public health or the environment.

4. The department shall consider, among other matters, the geological and hydrological factors at the site and its environs, the current and future housing density in the area, and current and future use of the water that could be affected by the proposed system.

5. The variance shall specify the expiration date, the conditions of approval, and the conditions for renewal.

6. Denial of a variance may be appealed.

7. The department shall maintain a file of all variances granted and denied.

8. Obtaining a variance does not negate the need to obtain permits or approvals as required by this ordinance. The variance may be submitted as a supporting document.

B. **APPEALS:** Any affected person dissatisfied with an action taken by the department on a permit application, request for product approval, renewal requests, certifications, variance, or revocation may appeal the decision by requesting a review by the Director. The request shall be made, in writing, to the department within fifteen (15) business days after notice of the department's action has been issued. Unless an appeal is received by the department within fifteen (15) business days after notice to the applicant of the department's action, the decision of the department shall be final.

1. If an appeal is received within the fifteen (15) business day time limit, the department director shall hold a hearing within fifteen (15) business days after receipt of the request. The department shall, in writing, notify the person who requested the hearing of the date, time, and place of the hearing. If the appeal is on a variance, the department shall, in writing, notify all persons who were sent notice of the variance application of the date, time and place of the hearing. In the hearing, the burden of proof shall be upon the person who requested the hearing.

2. Hearings shall be held at the offices of the department or other public facility.

3. The hearings shall be conducted so that all relevant views, arguments and testimony are fairly presented without undue repetition. The Director shall allow the department, the applicant and the person who requested the hearing to call and examine witnesses, to submit written and oral evidence and arguments, to introduce exhibits, and to cross-examine persons who testify. The rules of civil procedure and the rules of evidence shall not apply.

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

- 1
2 4. Based upon the evidence presented at the hearing, the Director shall sustain, modify, or
3 reverse the action of the department. The Director's decision shall be in writing, and a
4 copy of the decision shall be sent to the applicant and the person who requested the
5 hearing. The decision shall serve as the final decision of the county.
6

7 **Sec. 42-516. Severability**
8

9 If any section, paragraph, sentence, clause, word, or phrase of this ordinance is for any
10 reason held to be invalid or unenforceable by any court of competent jurisdiction, such
11 decision shall not affect the validity of the remaining provisions of this ordinance. The
12 Commission hereby declares that it would have passed this ordinance and each section,
13 paragraph, sentence, clause, word, or phrase thereof irrespective of any provision being
14 declared unconstitutional or otherwise invalid.
15

16 **Sec. 42-517. Effective Date**
17

18 This ordinance shall take effect thirty (30) days after final adoption by the
19 Commission.
20

AN ORDINANCE REPEALING DIVISION 10, SECTIONS 42-491 THROUGH 42-502 OF THE BERNALILLO COUNTY CODE AND ENACTING A NEW DIVISION 10, REGULATING WASTEWATER SYSTEMS TO PROTECT THE PUBLIC HEALTH AND SAFETY OF THE RESIDENTS IN BERNALILLO COUNTY; PROVIDING FOR THE PERMITTING, INSPECTION, AND TESTING OF WASTEWATER SYSTEMS; PROVIDING FOR APPEALS; AND PROVIDING FOR PENALTIES

PASSED AND ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS THIS

____ DAY OF _____, 2000.

BOARD OF COUNTY COMMISSIONERS

BARBARA J. SEWARD, Chair

TOM RUTHERFORD, Vice Chair

STEVE D. GALLEGOS, Member

LES HOUSTON, Member

KEN SANCHEZ, Member

APPROVED AS TO FORM:

COUNTY LEGAL DEPARTMENT

ATTEST:

JUDY D. WOODWARD, County Clerk

Dated:_____